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Question of Cyprus

Security Council
Sixty-fourth year

Letter dated 9 November 2009 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 November 2009, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Permanent Representative

09-60168 (E) 131109

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Annex to the letter dated 9 November 2009 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of the letter dated 6 November 2009 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative of the Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to the statement made by the Greek Cypriot leader, Demetris Christofias, at the high-level plenary meeting of the United Nations General Assembly on 24 September 2009 (see A/64/PV.5) and to bring to your kind attention the following considerations.

It is unfortunate that the representatives of the Greek Cypriot administration, which purports to be the "Government of the Republic of Cyprus", continue to exploit this illegitimate and unlawful title by making erroneous statements before various international organizations, fundamentally distorting the legal and historical facts pertaining to the Cyprus problem. Thus, at the outset, it is imperative to set the record straight as regards the realities that have been prevailing in Cyprus for almost half a century.

The 1960 Republic of Cyprus, which was founded in accordance with international treaties, was destroyed in 1963 by the Greek Cypriot partner's onslaught on the Turkish Cypriot partner, and there has not been a joint central administration in the island since then. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the "Government of Cyprus". Hence, by late December 1963, there was no longer an entity called "Republic of Cyprus" as such, which reflected the 1960 agreements, since one of the partners, namely the Turkish Cypriots, was ousted by force of arms from all the organs of the State and government.

Mr. Christofias' references to the Turkish intervention in 1974 as "invasion" and the subsequent presence of Turkish troops in the island as "occupation" do not reflect the legal and historical facts of the recent history of the island. It is true that there has been an invasion on the island, but this is certainly not the Turkish intervention of 1974, which is fully legitimate as it was conducted in accordance with its obligations under the 1960 Treaty of Guarantee. Rather, it is the Greek Cypriot usurpation of the entire government mechanism since 1963 and the Greek invasion of 15 July 1974, when the junta in Athens staged a coup on the island aimed at the annexation of the island to Greece (Enosis). In a speech before the United Nations Security Council on 19 July 1974, the then Greek Cypriot leader, Archbishop Makarios, in his purported capacity as the deposed "President of the Government of the Republic of Cyprus", stated the following:

> "The coup of the Greek junta is an invasion, and from its consequences the whole people of Cyprus suffers, both Greeks and Turks ... The Security Council should call upon the military regime of Greece to withdraw from Cyprus the Greek officers serving in the National Guard, and to put an end to its invasion of Cyprus." (S/PV.1780, para. 32)

As for Mr. Christofias' remarks in relation to the current negotiating process, contrary to his claim that we agreed that "the process would be in the hands of Cypriots without arbitration and artificial timetables", the view of the Turkish Cypriot side as regards the involvement in the negotiating process of the international community in general and the United Nations in particular has been unequivocally clear from the beginning. We have never agreed with the Greek Cypriot side that there will not be any arbitration or timetables in the process. We are cognizant of the fact that the main responsibility to find a settlement in the island lies first and foremost with the two sides in Cyprus. Nevertheless, this does

not rule out, as the Greek Cypriot side suggests, the possibility of receiving help in the process, when needed, from the international community. The Cyprus problem has been on the agenda of the United Nations for almost half a century. The negotiations have been conducted under the good offices mission of the successive United Nations Secretaries-General. Thus, it is not tenable to suggest that after 40 years of negotiations, the international community, and particularly the United Nations, do not have any role to play in the process. Naturally, the extent of the involvement of the United Nations shall be determined by the developments that will take place in the process. Consequently, the involvement of the United Nations may vary from providing expert support to tabling bridging proposals, and, if required, to arbitration. Outright rejection of any sort of active United Nations involvement would deny us the opportunity to benefit from the considerable expertise of the United Nations accumulated on the Cyprus problem and on similar problems worldwide, and thus would diminish the prospect of achieving a fair and viable settlement in Cyprus. I would, therefore, urge my counterpart to reconsider his opposition to active United Nations involvement.

The view of the Turkish Cypriot side regarding the issue of "timetables" is also known to all concerned. It is an undeniable fact that there are natural timetables in the process, the most important one being the Presidential elections in the Turkish Republic of Northern Cyprus in April 2010. Thus, I have been urging my counterpart to commit himself to finding a settlement in 2009, which can be put to separate simultaneous referendums in the first months of 2010. Taking comfort in its unlawful and illegitimate status as the internationally recognized government of the island and a member of the European Union on behalf of the whole island, the Greek Cypriot side unfortunately prefers to play for time and instead of concentrating on the current process to find a negotiated settlement to the Cyprus problem, aims at extracting unilateral concessions from Turkey by way of exploiting its European Union candidacy. The sooner the Greek Cypriot side realizes that this strategy is bound to fail and focuses on the negotiations, the stronger will be the prospect for an early settlement.

One of the most disturbing parts of Christofias' statement is where he fundamentally distorted the agreed framework for settlement by claiming that "Our goal is the restoration of the sovereignty, territorial integrity, independence and unity of the Republic of Cyprus" and that "we are committed to the evolution of the unitary State into a federal State consisting of two largely autonomous regions". To set the record straight, I would like to remind all concerned, including my counterpart, that what he had described has never been the framework within which the full-fledged negotiations under the auspices of the good offices mission of the United Nations Secretaries-General were conducted. The aim of the negotiations is the creation of a new state of affairs in Cyprus within the framework of a genuine power-sharing arrangement which will fully respect and reflect the cardinal principles of political equality, bicommunality and bizonality. The Turkish Cypriot side categorically rejects negotiating outside the agreed framework and thus would never accept "the restoration of the sovereignty, territorial integrity, independence and unity of the Republic of Cyprus" and "the evolution of the unitary State into a federal State consisting of two largely autonomous regions". Furthermore, it should be stressed, at this point, that within the context of the Cyprus negotiations, the term "autonomous regions" is a new creation by the Greek Cypriot side. Such a reference is tantamount to the total denial of the established United Nations parameters and

agreed framework for settlement. A more serious and sincere approach is required if we are to succeed in our endeavour to achieve a settlement.

In view of the Greek Cypriot attempt to distort the agreed framework of the negotiations, the developments which led to the start of the current process should be recollected. It would be recalled that before the start of the full-fledged negotiations on 3 September 2008, the two leaders in Cyprus had met a number of times and issued joint statements outlining the framework of the comprehensive settlement to be achieved at the end of the process. Aware of the fact that the most basic foundation of each negotiating process is the overriding principle of "*pacta sunt servanda*", the Turkish Cypriot side has remained, and will continue to remain, committed to the framework drawn by the two leaders. We naturally expect that our Greek Cypriot counterparts will also respect the agreed settlement framework which was expressly outlined in the Joint Statement dated 23 May 2008 to the effect that "This partnership will have a Federal Government with a single international personality, as well as a Turkish Cypriot Constituent State and a Greek Cypriot Constituent State, which will be of equal status" (see S/2008/353, annex III).

In addition to the joint statements of the two leaders, the other main pillar of a comprehensive solution in Cyprus is the established settlement parameters of the United Nations. Given that the negotiations are being conducted under the good offices mission of the Secretary-General of the United Nations and that the parties could not start from scratch after 40 years of negotiations, assuming otherwise would be incomprehensible.

Apart from his usual unconvincing rhetoric of "invasion" and "occupation", Mr. Christofias also blames Turkey for pursuing a "confederal solution" in Cyprus. As a matter of fact, Turkey has always been in support of a fair and viable settlement in the island on the basis of the established United Nations parameters. Turkey and the Turkish Cypriot side proved, beyond any doubt, their sincerity for such a settlement in 2004. The positive role Turkey played in 2004 by encouraging the Turkish Cypriots for a "yes" vote to the United Nations Comprehensive Settlement Plan (also known as the Annan Plan) is well recorded in the relevant United Nations documents. As for the current process, Turkey has already stated on numerous occasions its full support to the process and encourages the parties to find a comprehensive settlement as soon as possible. Against this background, the Greek Cypriot false accusations against Turkey can only be considered as a futile attempt aimed at diverting attention from the fact that, despite the unequivocal support of Turkey and the expressed will of the Turkish Cypriot side for settlement, the Cyprus problem remains unresolved owing to the Greek Cypriot "no" vote in 2004. Indeed, what is expected from the Greek Cypriot side is to show its sincerity for a settlement by adopting a flexible approach in the current negotiating process, rather than insisting on its policy of making unfounded allegations against Turkey and the Turkish Cypriot side.

Mr. Christofias also asserts that the Turkish Cypriot side makes proposals in the process which are outside the United Nations framework. The reality, however, is that during the negotiations the Turkish Cypriot side very often feels obliged to urge the Greek Cypriot side to remain within the framework of the United Nations parameters when tabling its proposals. Indeed, the main differences between the two sides in the negotiations are on issues where the Greek Cypriot side has made proposals outside the United Nations parameters. A case in point is the Greek

Cypriot refusal to accept the well-established United Nations definition of the principle of bizonality. As you are well aware, according to the United Nations, "The bizonality of the federation is reflected in the fact that each federated State would be administered by one community which would be guaranteed a clear majority of the population and of land ownership in its area." (The Secretary-General's reports of 1990 (S/21183) and 1992 (S/23780) and Security Council resolution 750 (1992)). This has been a well-established parameter since the early 1990s and all the settlement plans prepared thereafter have envisaged a property regime which, in practice, observed and further developed this principle. I believe that the United Nations has the responsibility to make the necessary intervention when a proposal which clearly falls outside the United Nations parameters is tabled by either side.

In his statement, Mr. Christofias talks about "paradoxes" and "anomalies" in relation to Cyprus. One has to be very careful when he talks about paradoxes within the context of the Cyprus problem. As the issue was brought up, I would like to make some contribution to the subject by drawing your attention to some real paradoxes in the island. Is it not a paradox that the 1960 Republic of Cyprus, which was a partnership republic of Greek Cypriots and Turkish Cypriots, continues to be recognized as the "legitimate Government of the whole island" despite the fact that the Turkish Cypriots were ousted from the government almost half a century ago? Is it not a paradox that such a government became a member of the European Union on behalf of the whole island only a couple of days after it rejected the internationally endorsed United Nations settlement plan and the Turkish Cypriots, who overwhelmingly voted in favour of compromise (a fundamental pillar of the European Union), were left out in the cold? Is it not a paradox that Turkish Cypriots are considered to be European Union citizens, but continue to live under all-embracing isolation in all spheres of life? As a matter of fact, there are paradoxes, there are anomalies and there are grave injustices in Cyprus, and the victims are the Turkish Cypriots.

Mr. Christofias calls on Turkey in his statement to "fulfil its obligations towards the Republic of Cyprus as well as towards the European Union", while the Greek Cypriot side continuously prevents the European Union and the international community from fulfilling their obligations towards the Turkish Cypriots. The promises made and the decisions taken after the Turkish Cypriot "yes" vote for compromise and settlement in 2004 are yet to produce tangible results because of Greek Cypriot blockage. The European Union Council's decision of 26 April 2004, the Council of Europe decision of 29 April 2004 and the report of the Secretary-General of the United Nations of 28 May 2004 are among the plethora of international documents where calls were made for the lifting of the isolation of the Turkish Cypriots. It is all the more disappointing that such efforts of the Greek Cypriot side continue unabated, particularly at a time when full-fledged negotiations to find a comprehensive settlement are under way between the two sides in Cyprus. Naturally, such hostile policies do not instil confidence in the Turkish Cypriot people as regards the sincerity of the Greek Cypriot side in the current settlement process.

Mr. Christofias also asserts that "Turkish Cypriot compatriots are equal citizens of the Republic of Cyprus". This remark begs the question "how the Turkish Cypriots can be considered as the equal citizens of the 'Republic of Cyprus' when they were ousted from the entire state machinery by force of arms almost half a

century ago and when the so-called 'Republic of Cyprus', which was supposed to be a partnership State, has since become a convenient tool for the Greek Cypriot side in taking every measure to suffocate the Turkish Cypriots by further isolating them from the rest of the world?"

In concluding, I would like to reiterate the commitment of the Turkish Cypriot side for the settlement of the Cyprus problem under the auspices of your mission of good offices and on the basis of the established United Nations parameters and body of work. It is my sincere conviction that there exists today a genuine window of opportunity to find a comprehensive settlement to this protracted problem. We already missed a historic opportunity in 2004. We cannot afford to miss another opportunity in the efforts to find a negotiated settlement.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President

United Nations S/2009/582

Security Council

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Austria, Azerbaijan, Belgium, Benin, Burkina Faso, Canada, Costa Rica, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Mexico, Norway, Netherlands, Republic of Moldova, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America: draft resolution

The Security Council,

Reaffirming its commitment to the continuing and full implementation, in a mutually-reinforcing manner, of resolutions 1265 (1999), 1296 (2000), 1325 (2000), 1612 (2005), 1674 (2006), 1738 (2006), 1820 (2008), 1882 (2009), 1888 (2009) and 1889 (2009), and all relevant statements of its President,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

Noting that this year marks the tenth anniversary of the progressive consideration by the Security Council of the protection of civilians in armed conflict as a thematic issue, and *acknowledging* the enduring need for the Security Council and Member States to strengthen further the protection of civilians in armed conflict,

Noting further that this year also marks the 60th anniversary of the Geneva Conventions of 1949, which together with their Additional Protocols constitute the basis for the legal framework for the protection of civilians in armed conflict,

Recognizing that States bear the primary responsibility to respect and ensure the human rights of their citizens, as well as all individuals within their territory as provided for by relevant international law,

Reaffirming that parties to armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of civilians,

Reaffirming the relevant provisions of the 2005 World Summit Outcome Document regarding the protection of civilians in armed conflict, including paragraphs 138 and 139 thereof regarding the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity,

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Reiterating its deep regret that civilians continue to account for the vast majority of casualties in situations of armed conflict,

Stressing the particular impact that armed conflict has on women and children, including as refugees and internally displaced persons, as well as on other civilians who may have specific vulnerabilities including persons with disabilities and older persons, and *stressing* the protection and assistance needs of all affected civilian populations,

Noting the adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009),

Noting with grave concern the severity and prevalence of constraints on humanitarian access, as well as the frequency and gravity of attacks against humanitarian personnel and objects and the significant implications of such attacks for humanitarian operations,

Recognizing the need for States in or emerging from armed conflict to restore or build accountable security institutions and independent national judicial systems,

Recalling the inclusion of war crimes, crimes against humanity and genocide in the statutes of the ad hoc international criminal tribunals and the Rome Statute of the International Criminal Court, and *emphasizing* in this regard the principle of complementarity,

Recognizing the importance of reparations programmes in response to serious violations of international humanitarian law and gross human rights violations,

Recognizing the importance of empowering vulnerable civilians through education and training as a means to support efforts to halt and prevent abuses committed against civilians in situations of armed conflict,

Recognizing the valuable contribution to the protection of children in armed conflict by the SRSG on Children and Armed Conflict and the Security Council Working Group on Children and Armed Conflict, including its conclusions and recommendations issued in line with resolution 1612 (2005), and *recalling* resolution 1882 (2009), which aims to strengthen the protection of children in situations of armed conflict,

Recalling its decision in resolution 1888 (2009) to address violence against women and children in situations of armed conflict by requesting the Secretary-General to appoint a special representative and to identify and take the appropriate measures to deploy rapidly a team of experts to situations of particular concern with respect to sexual violence in armed conflict,

Noting the practice of briefings to Security Council members by the Office for the Coordination of Humanitarian Affairs on behalf of the United Nations' humanitarian community, both through formal and informal channels,

Taking note of the report of the Secretary-General on the protection of civilians of 29 May 2009 (S/2009/277) and its annex on constraints on humanitarian access, which identify the core challenges to the effective protection of civilians, namely enhancing compliance with international law; enhancing compliance by non-State armed groups with their obligations under international law; enhancing protection through more effective and better resourced United Nations peacekeeping

and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations,

Welcoming the proposals, conclusions and recommendations on the protection of civilians included in the report of the Special Committee on Peacekeeping Operations and its Working Group (A/63/19) and the important work conducted by the Security Council Working Group on Peacekeeping Operations, including its efforts aimed at enhancing the implementation of protection mandates,

Recalling the statement of its President of 5 August 2009 (S/PRST/2009/24) and *welcoming* ongoing efforts to strengthen UN peacekeeping,

Noting that United Nations peacekeeping missions constitute one of several means at the United Nations' disposal to protect civilians in situations of armed conflict,

1. *Demands* that parties to armed conflict comply strictly with the obligations applicable to them under international humanitarian, human rights and refugee law, as well as to implement all relevant decisions of the Security Council and in this regard, *urges* them to take all required measures to respect and protect the civilian population and meet its basic needs;

2. *Reiterates* its condemnation in the strongest terms of attacks in situations of armed conflict directed against civilians as such and other protected persons or objects as well as indiscriminate or disproportionate attacks and the utilisation of the presence of civilians to render certain points, areas or military forces immune from military operations, as flagrant violations of international humanitarian law and demands that all parties immediately put an end to such practices;

3. *Notes* that the deliberate targeting of civilians as such and other protected persons, and the commission of systematic, flagrant and widespread violations of applicable international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and *reaffirms in this regard* its readiness to consider such situations and, where necessary, to adopt appropriafe steps;

4. *Reiterates* its willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed, including through the consideration of appropriate measures at the Security Council's disposal in accordance with the Charter of the United Nations;

5. *Reiterates* its call on States that have not already done so to consider signing, ratifying or acceding to the relevant instruments of international humanitarian, human rights and refugee law, and to take appropriate legislative, judicial and administrative measures to implement their obligations under these instruments;

6. *Demands* that all States and parties to armed conflict fully implement all relevant decisions of the Security Council and in this regard cooperate fully with United Nations peacekeeping missions and Country Teams in the follow-up and implementation of these resolutions;

7. *Calls upon* all parties concerned:

(a) to ensure the widest possible dissemination of information about international humanitarian, human rights and refugee law;

(b) to provide training for public officials, members of armed forces and armed groups, personnel associated to armed forces, civilian police and law enforcement personnel, and members of the judicial and legal professions; and to raise awareness among civil society and the civilian population on relevant international humanitarian, human rights and refugee law, as well as on the protection, special needs and human rights of women and children in conflict situations, to achieve full and effective compliance;

(c) to ensure that orders and instructions issued to armed forces and other relevant actors are in compliance with applicable international law, and that they are observed, inter alia, by establishing effective disciplinary procedures, central to which must be the strict adherence to the principle of command responsibility to support compliance with international humanitarian law;

(d) to seek, where appropriate, support from United Nations peacekeeping and other relevant missions, as well as United Nations Country Teams and the International Committee of the Red Cross and, where appropriate, other members of the International Red Cross and Red Crescent Movement, on training and awareness raising on international humanitarian, human rights and refugee law;

8. *Emphasizes* the importance of addressing in its country specific deliberations the compliance of parties to armed conflict with international humanitarian, human rights and refugee law; *notes* the range of existing methods used, on a case by case basis, for gathering information on alleged violations of applicable international law relating to the protection of civilians and *underlines* the importance in this regard of receiving information that is timely, objective, accurate and reliable;

9. *Considers* the possibility, to this end, of using the International Fact-Finding Commission established by Article 90 of the First Additional Protocol to the Geneva Conventions;

10. *Affirms* its strong opposition to impunity for serious violations of international humanitarian law and human rights law and *emphasizes* in this context the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law in order to prevent violations, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation;

11. *Recalls* that accountability for such serious crimes must be ensured by taking measures at the national level, and by enhancing international cooperation in support of national mechanisms, *draws attention* to the full range of justice and reconciliation mechanisms to be considered, including national, international and "mixed" criminal courts and tribunals, and truth and reconciliation commissions, as well as national reparation programs for victims and institutional reforms; and *underlines* the Security Council's role in ending impunity;

12. *Reaffirms* the Security Council's role in promoting an environment that is conducive to the facilitation of humanitarian access to those in need;

13. *Stresses* the importance for all, within the framework of humanitarian assistance, of upholding and respecting the humanitarian principles of humanity, neutrality, impartiality and independence;

14. *Stresses* the importance for all parties to armed conflict to cooperate with humanitarian personnel in order to allow and facilitate access to civilian populations affected by armed conflict;

15. *Expresses* its intention to:

(a) Call on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel;

(b) Mandate UN peacekeeping and other relevant missions, where appropriate, to assist in creating conditions conducive to safe, timely and unimpeded humanitarian assistance;

16. *Further expresses* its intention to:

(a) Consistently condemn and call for the immediate cessation of all acts of violence and other forms of intimidation deliberately directed against humanitarian personnel;

(b) Call on parties to armed conflict to comply with the obligations applicable to them under international humanitarian law to respect and protect humanitarian personnel and consignments used for humanitarian relief operations;

(c) Take appropriate steps in response to deliberate attacks against humanitarian personnel;

17. *Invites* the Secretary-General to continue the systematic monitoring and analysis of constraints on humanitarian access, to include as appropriate observations and recommendations in his briefings and country-specific reports to the Council;

18. *Recalls* its determination to upgrade the strategic oversight of peacekeeping operations mindful of the important role peacekeeping operations play for the protection of civilians and *reaffirms* its support to the efforts made by the Secretary-General to review peacekeeping operations and to provide enhanced planning and support and *renews* its encouragement to deepen these efforts, in partnership with troop and police contributing countries and other relevant stakeholders;

19. *Reaffirms* its practice of ensuring that mandates of UN peacekeeping and other relevant missions include, where appropriate and on a case-by-case basis, provisions regarding the protection of civilians, *stresses* that mandated protection activities must be given priority in decisions about the use of available capacity and resources, including information and intelligence resources, in the implementation of mandates; and *recognizes*, that the protection of civilians when and as mandated requires a coordinated response from all relevant mission components;

20. *Reaffirms also* the importance of entrusting peacekeeping and other relevant missions that are tasked with the protection of civilians with clear, credible and achievable mandates, based on accurate and reliable information on the

situation on the ground, and a realistic assessment of threats against civilians and missions, made in consultation with all relevant stakeholders, and *further reaffirms* the importance of a greater awareness in the Security Council of the resource and field support implications of its decisions and *stresses* the necessity to ensure the execution of the afore-mentioned mandates to protect civilians in the field;

21. *Recognizes* the necessity to take into account the protection needs of civilians in situations of armed conflict, in particular women and children, in the early phase of mandate drafting and throughout the lifecycle of United Nations peacekeeping and other relevant missions and in this regard *underlines* the importance of engagement with the countries concerned and of close consultation with the Secretariat, troop and police contributing countries, and other relevant actors;

22. *Recognizes also* the need for comprehensive operational guidance on peacekeeping missions' tasks and responsibilities in the implementation of protection of civilians mandates and *requests* the Secretary-General to develop in close consultation with Member States including troop and police contributing countries and other relevant actors, an operational concept for the protection of civilians, and to report back on progress made;

23. *Requests* the Secretary-General, in consultation with relevant actors, to ensure that peacekeeping missions with protection of civilians' mandates, in keeping with the strategic plans that guide their deployment, conduct mission-wide planning, pre-deployment training, and senior leadership training on the protection of civilians and requests troop and police contributing countries to ensure the provision of appropriate training of their personnel participating in UN peacekeeping and other relevant missions to heighten the awareness and responsiveness to protection concerns, including training on HIV/AIDS and zero tolerance of sexual exploitation and abuse in UN peacekeeping missions;

24. *Requests* the Secretary-General to ensure that all relevant peacekeeping missions with protection mandates incorporate comprehensive protection strategies into the overall mission implementation plans and contingency plans which include assessments of potential threats and options for crisis response and risk mitigation and establish priorities, actions and clear roles and responsibilities under the leadership and coordination of the SRSG, with the full involvement of all relevant actors and in consultation with United Nations Country teams;

25. *Requests* the Secretary-General to ensure that United Nations missions provide local communities with adequate information with regard to the role of the mission and in this regard ensure coordination between a United Nations mission and relevant humanitarian agencies;

26. *Takes note* of practical measures taken by ongoing peacekeeping missions and United Nations Country Teams to enhance the protection of civilians in the field, and *requests* the Secretary-General to include best practice in his next report on protection of civilians to the Council;

27. *Reaffirms* its practice of requiring benchmarks, as and where appropriate, to measure and review progress made in the implementation of peacekeeping mandates and *stresses* the importance of including indicators of progress regarding the protection of civilians in such benchmarks for relevant missions;

28. *Emphasizes* the need for a comprehensive approach to facilitate the implementation of protection mandates through promoting economic growth, good governance, democracy, the rule of law, and respect for, and protection of human rights, and in this regard, *urges* the cooperation of Member States and *underlines* the importance of a coherent, comprehensive and coordinated approach by the principal organs of the United Nations, cooperating with one another and within their respective mandates;

29. *Notes* that the excessive accumulation and destabilizing effect of small arms and light weapons pose a considerable impediment to the provision of humanitarian assistance and have a potential to exacerbate and prolong conflicts, endanger civilians and undermine security and the confidence required for a return to peace and stability, *calls on* parties to armed conflict to take all feasible precautions to protect the civilian population, including children, from the effects of landmines and other explosive remnants of war, and in this regard, *encourages* the international community to support country efforts in clearing landmines and other explosive remnants of war and to provide assistance for the care, rehabilitation and economic and social reintegration of victims, including persons with disabilities;

30. *Reiterates* the importance of the Aide Memoire on the protection of civilians (S/PRST/2009) as a practical tool that provides a basis for improved analysis and diagnosis of key protection issues, particularly during deliberations on peacekeeping mandates and *stresses* the need to implement the approaches set out therein on a more regular and consistent basis, taking into account the particular circumstances of each conflict situation;

31. *Recognizes* the important role of the Secretary-General in providing timely information to the Security Council on protection of civilians in armed conflict in particular through thematic and country specific reports and through briefings;

32. *Requests* the Secretary-General to include in his reports to the Council on country-specific situations more comprehensive and detailed information relating to the protection of civilians in armed conflict, including on protection-related incidents and actions taken by parties to armed conflict to implement their obligations to respect and protect the civilian population, including information specific to the protection needs of refugees, internally displaced persons, women, children and other vulnerable groups;

33. *Requests* the Secretary-General to develop guidance for UN peacekeeping and other relevant missions on the reporting on the protection of civilians in armed conflict with a view to streamlining reporting and enhancing the Council's monitoring and oversight of the implementation of protection mandates of UN peacekeeping and other missions;

34. *Stresses* the importance of consultation and cooperation between the United Nations, the International Committee of the Red Cross and other relevant organisations including regional organisations to improve the protection of civilians in armed conflict;

35. *Requests* the Secretary-General to submit his next report on the protection of civilians in armed conflict by November 2010;

36. *Decides* to remain seized of the matter.

United Nations S/2009/583

Security Council

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11 November 2009

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Identical letters dated 10 November 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I have the honour to transmit herewith a letter which represents the position of the Syrian Arab Republic on the eleventh report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2009/566) (see annex).

I would highly appreciate it if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

09-60374 (E) 171109

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Annex to the identical letters dated 10 November 2009 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

On instructions of my Government, I transmit herewith identical letters addressed to the Secretary-General of the United Nations and the President of the Security Council conveying the position of the Syrian Arab Republic on the eleventh report of the Secretary-General on the implementation of Security Council resolution 1701 (2006).

The Syrian Arab Republic has consistently demonstrated its full respect for Lebanese sovereignty and has unfailingly provided all kinds of support and assistance to the Lebanese Government in securing its authority and sovereignty over all parts of its territory. Syria has also provided substantial support in building the capacities of and training the Lebanese Army to enable it to carry out its national role of defending its territory against Israeli acts of aggression, because Syria believes that the security and stability of Lebanon have significant positive implications for Syria and the entire region.

United Nations Security Council resolution 1701 (2006) was adopted on 11 August 2006 with a view to halting Israeli attacks on Lebanon during the July war of that year which were aimed at undermining the stability of Lebanon and destroying its infrastructure, as well as Israeli atrocities that targeted civilians. The Syrian Arab Republic therefore takes exception to the repeated references to the Syrian Arab Republic by the Secretary-General and his Special Representative in the report on implementation of Security Council resolution 1701 (2006).

The Syrian Arab Republic reiterates its position that the issue of the delineation of borders referred to in the report is a bilateral matter that concerns Syria and Lebanon alone. The real obstacle to border delineation is continued Israeli occupation of the occupied Syrian Golan and the Shab`a Farms. If certain parties who claim to be friends of Lebanon are serious about settling this issue, they should bring pressure to bear on Israel to end its occupation of the Shab`a Farms.

The report's perfunctory reference to continued Israeli air violations of Lebanese sovereignty and the demand for their immediate cessation is not enough. The Security Council must take practical steps to prohibit and put a stop to those violations in accordance with and in implementation of resolution 1701 (2006).

The Syrian Arab Republic finds it odd that the report insists on including Israeli claims about arms smuggling across the Syrian-Lebanese border. Those claims are fabrications that have been disproved by statements from senior Lebanese officials, and reports of the Lebanon Independent Border Assessment Team have confirmed that no such activities occur. Those fabrications are designed to provide cover for Israel's air, land and sea violations of Lebanese sovereignty. It would have been more appropriate for the report to address and hold Israel accountable for its violations of Lebanese sovereignty, including the employment of large numbers of spies whose aim is to undermine the security and stability of Lebanon.

The Palestinian presence in Lebanon is a matter that is governed by the Cairo Agreement signed in 1969 by the Lebanese Republic and the Palestine Liberation Organization. We reiterate that the Palestinian bases on the Syrian-Lebanese border referred to in the report are fully within Lebanese territory. We also reiterate that the primary reason for the Palestinian presence in Lebanon and neighbouring States, including Syria, is Israel's continued occupation of Palestinian territory and its refusal to implement internationally recognized resolutions, including General Assembly resolution 194 (III), which guarantees the right of the refugees to return to the lands from which they were expelled.

Damascus, 10 November 2009

(*Signed*) [Illegible]
Permanent Representative of the Syrian Arab Republic to
the United Nations

United Nations S/2009/584

Security Council

Distr.: General
5 November 2009

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the Russian Federation on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 5 November 2009 from the Permanent Mission of the Russian Federation to the United Nations stating that Mr. Sergey A. Zhdanov has been appointed alternate representative of the Russian Federation on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

09-60393 (E) 121109

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United Nations S/2009/585

Security Council

Distr.: General
11 November 2009

Original: English

Report of the Secretary-General pursuant to paragraph 6 of resolution 1883 (2009)

I. Introduction

1. In paragraph 6 of resolution 1883 (2009), adopted on 7 August 2009, the Security Council requested the Secretary-General to report to the Council on a quarterly basis on the fulfilment of the responsibilities of the United Nations Assistance Mission for Iraq (UNAMI). The present report is the first submitted pursuant to that resolution.

2. The report provides an update on United Nations activities in Iraq since the previous report (S/2009/393) dated 30 July 2009 pursuant to paragraph 6 of resolution 1830 (2008). It provides a summary of key political developments during the period under review, as well as regional and international events concerning Iraq. The report provides an update on the activities of my Special Representative for Iraq, as well as operational and security matters.

II. Summary of key political and security developments in Iraq

3. On 17 August, the Independent High Electoral Commission announced the certified results of the 25 July Kurdistan regional elections, with incumbent President Masoud Barzani winning the election with a clear majority of ballots cast. The Iraqi Kurdistan Parliament officially nominated the Deputy Prime Minister of Iraq, Barham Saleh, to serve as Prime Minister of the Kurdistan Regional Government, and he was appointed by President Barzani to serve in that role on 30 September. Meanwhile, a Cabinet has been formed, which is comprised of considerably fewer ministers than in the past, owing to a consolidation of Kurdistan Regional Government ministries. I am pleased to note that these elections were held without any major security incidents and I congratulate the Electoral Commission for enabling a credible election.

4. On 19 August and 25 October, coordinated attacks targeted key Iraqi Government institutions in Baghdad, including the Iraqi Ministries of Foreign Affairs, Finance and Justice and the office of Baghdad's provincial council, resulting in the deaths of several hundred Iraqis and the injury of many more. These were the most significant attacks to occur in Iraq since the withdrawal of multinational forces from Iraqi cities at the end of June 2009, under the terms of the bilateral security agreement between the Government of Iraq and the United States

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of America. The bombings were a sombre reminder of the fragility of the political and security situation in the lead-up to the national elections, despite the noticeable improvements and progress achieved in 2008 and 2009. I condemned the senseless and indiscriminate attacks and urged all Iraqis to unite in the face of these deplorable acts and to work with heightened urgency to protect Iraq's political progress.

5. On 30 August, the Prime Minister of Iraq sent a letter to the Security Council in which he asked the Security Council to establish "an independent international commission of inquiry". In a subsequent letter to me on 25 September, Foreign Minister Hoshyar Zebari requested the appointment of a high-level official to assess the attacks of 19 August. On the margins of the General Assembly, I met with President Jalal Talabani on 26 September to hear the concerns of the Government of Iraq and to consider how best the United Nations could be of assistance. On 29 September, the Under-Secretary-General for Political Affairs met with the Foreign Minister to discuss Iraq's request. Following the attacks in Baghdad on 25 October, the Foreign Minister sent me a further letter reiterating Iraq's request for a high-level official. On 28 October, in response to the request from the Government of Iraq, I announced that I would send Assistant Secretary-General Oscar Fernandez-Taranco to Iraq for preliminary consultations related to Iraq's security and sovereignty. In this regard, Mr. Fernandez-Taranco led a team to Baghdad from 1 to 4 November and met with the Prime Minister of Iraq, and the Ministers for Foreign Affairs, Defence, Justice, National Security and the Interior, as well as a number of other high-ranking officials.

6. In the aftermath of the 19 August attacks, the Iranian Minister for Foreign Affairs, Manouchehr Mottaki, and the Turkish Minister for Foreign Affairs, Ahmet Davutoğlu, met separately with Iraqi Prime Minister Nuri al-Maliki and Syrian President Bashar al-Asad in Baghdad and Damascus, respectively. Subsequently, under the auspices of Turkey and the League of Arab States, meetings between the two sides were held in Cairo on 9 September, in Ankara on 15 September and in Istanbul on 17 September as well as on the margins of the General Assembly on 25 September. The talks were inconclusive. On 14 October, the Ministers of the Interior of the region met for the sixth time in Cairo and called for efforts to support the security and stability of Iraq.

7. During the reporting period, political disagreements in the Ninewa governorate remained a matter of concern. Deputy Prime Minister, Rafi al-Issawi, continued to broker an end to the boycott of the Ninewa provincial council by the Ninewa Brotherhood List and to reduce tensions that remained between the Ninewa Brotherhood List and the Governor's al-Hadba National List. The Deputy Prime Minister made regular visits to the Ninewa governorate and the Kurdistan region to meet with members of the parties and convened meetings with representatives from both parties in Baghdad. Parallel to these political discussions, he also worked towards increasing the number of locally recruited Iraqi army and police forces in the Ninewa governorate, as well as facilitated the release of unspent allocated funds in the budget to governorate authorities.

8. In an effort to improve the level of security cooperation in the disputed areas in northern Iraq, the multinational force in Iraq (MNF-I) has engaged the Government of Iraq and the Kurdistan Regional Government in discussions on developing cooperative frameworks for Iraqi army and Kurdish Peshmerga units and police forces from both sides. These efforts aim to improve coordination among different chains of command for units manning checkpoints and to conduct joint patrols in the area. Although the plan remains under evaluation and discussions are

ongoing among the parties concerned, the initiative represents an important confidence-building measure that could serve to increase coordination and improve the efficacy of crisis management.

9. During the reporting period, there were concerns that delays in the passage of an amended Electoral Law could jeopardize the viability of holding elections by January 2010 as stipulated by the Constitutional Court of Iraq. There were strong differences among political blocs in the Council of Representatives, in particular over whether the electoral system will rely on open or closed lists and on how to handle concerns about the voter registry in Kirkuk arising from allegations of demographic manipulations of the voter registry lists by different ethnic communities. In his statement on 21 October, my Special Representative for Iraq expressed his concern that further delays could considerably disrupt the electoral calendar. On 8 November, after several weeks of intense negotiations, and technical assistance from UNAMI, an agreement was finally reached in the Council of Representatives. A total of 141 parliamentarians voted for amendments to the Electoral Law. This agreement paves the way for national elections to be held in January 2010, the exact date to be announced by the Presidency Council.

10. In the lead-up to the national elections, the major political blocs and parties have been engaged in a process of realignment and alliance formation. On 24 August, the formation of the Iraqi National Alliance was announced in Baghdad. The Alliance is comprised of the two largest blocs from the previous United Iraqi Alliance: the Islamic Supreme Council for Iraq and the Sadrist Trend. Other members include the Fadhila Party, the National Reform Trend led by former Prime Minister Ibrahim al-Ja'affari, and a relatively small breakaway faction of the Da'wa Party. Prime Minister al-Maliki relaunched the State of Law Coalition on 1 October, which will comprise his faction of the Da'wa party, the Independent Bloc led by Minister of Oil Hussein Shahristani and numerous additional smaller parties. The deadline for the formation of coalitions was extended until 4 November.

11. On 17 October, the Tawafuq List, which is the largest predominately Sunni bloc in the current Council of Representatives, announced a new Tawafuq Alliance to be led by the Secretary-General of the Iraqi Islamic Party, Osama al-Tikriti. The new configuration consists of the Iraqi Islamic Party, the Ahl al-Iraq Gathering, the Turkmen Justice Party and other entities, parties and personalities. Prior to the announcement, several members of the Tawafuq List split away from the coalition, and on 12 September, Vice-President Tariq al-Hashimi, former head of the Iraqi Islamic Party, announced the formation of a new political bloc called the Renewal List which includes other members of the Council of Representatives formerly associated with the Iraqi Islamic Party.

III. Activities of the United Nations Assistance Mission for Iraq

A. Political and constitutional activities

12. My new Special Representative to Iraq, Ad Melkert, assumed his full duties in Baghdad on 21 August 2009. During the reporting period, he engaged in wide-ranging consultations with officials from the Government of Iraq, the Kurdistan Regional Government and the diplomatic community in Baghdad. His activities and those of the Mission focused on promoting political dialogue between the

Government of Iraq and the Kurdistan Regional Government on outstanding issues and on ensuring that preparations were in order for the national elections planned for January 2010.

13. My Special Representative conducted a series of visits to several of the country governorates. These visits included Najaf, where he met with political and religious leaders, including Grand Ayatollah Ali al-Sistani and Grand Ayatollah al-Hakim. Visits to Mosul and Kirkuk and meetings with local government officials and representatives from minority communities highlighted the multidimensional commitment of the United Nations to supporting political dialogue, reconciliation and reconstruction issues.

14. Senior advisers to the Prime Minister of Iraq and the President of the Kurdistan Regional Government continued to meet regularly, under UNAMI auspices, through the High-Level Task Force to discuss Mission reports on disputed internal boundaries. I am pleased to note that during the reporting period, some progress has been made on initial confidence-building measures aimed at addressing the needs of the local communities in northern Iraq. The Task Force has agreed to an initial set of measures intended to expedite the processing of property claims for violations that occurred before and after 2003 in order to ensure transparent and legal arrests in the disputed areas and to guarantee the right of all Iraqis to educate their children in their mother tongue. UNAMI will continue to facilitate dialogue and promote local-level activities intended to defuse tensions, bridge differences between local and national-level representatives and link political discussions related to the resolution of the disputed territories. On the resolution of property disputes in Kirkuk, practical recommendations for implementation have been proposed by UNAMI, both in the High-Level Task Force and with local stakeholders in Kirkuk.

15. In June 2009, UNAMI completed its 2008-2009 round-table series on federalism, hydrocarbon revenue and water-sharing. The discussions were held in Baghdad and Erbil and brought together parliamentarians, ministers, and senior political and legal advisers of the Government of Iraq and of the Kurdistan Regional Government. Together with relevant members of the United Nations country team, UNAMI is currently developing integrated approaches to the issues of water resources, hydrocarbon revenue management, the rule of law and minority concerns, all of which have constitutional implications.

B. Regional dialogue

Regional developments

16. On 17 August, the Prime Minister of Iraq visited the Syrian Arab Republic. This was hailed by both countries as a historic visit. He met the President of the Syrian Arab Republic, and both leaders agreed to establish a high-level strategic cooperation council that would be led by the Prime Ministers of the two countries and would discuss a wide variety of issues, including economic and military cooperation, border security, culture and education. Iraq also agreed to help contribute to the cost of accommodating the estimated 1.4 million Iraqi refugees currently in the Syrian Arab Republic.

17. On the regional front, the first ministerial meeting of the High-Level Strategic Cooperation Council between Iraq and Turkey was held in Istanbul on 17 September.

The Ministers for Foreign Affairs of both countries presided over a joint cabinet meeting of eight ministries from either side. Technical agreements were reached on more than 40 areas of cooperation, including environmental, trade and energy. A second meeting of the Cooperation Council was convened in Baghdad during the course of the visit to Baghdad on 15 October of Turkish Prime Minister Recep Tayyip Erdoğan. A new set of memorandums of understanding were also signed between the two countries. These are welcome developments.

18. The deterioration of the water situation in Iraq, owing to drought and the restriction of river flows by neighbouring countries, pushed Iraq to take new initiatives on the transboundary water management issue. Prime Minister al-Maliki requested the cooperation of the Syrian Arab Republic during his visit to Damascus on 18 August. The Ministers of Water of Iraq, the Syrian Arab Republic and Turkey met in Ankara on 3 September, and Turkey announced that it would increase the flow of water to Iraq and to the Syrian Arab Republic. The Speaker of Iraq's Council of Representatives, Iyad Samarai, travelled to Turkey and to the Islamic Republic of Iran to convey Iraqi concerns about existing water-sharing agreements, following which the Islamic Republic of Iran also agreed to release more water in some tributaries of the Tigris and agreed to the creation of a special bilateral committee.

19. On 27 July, just prior to the reporting period, I submitted to the Security Council my report pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385) on the relevant facts for consideration by the Council of actions necessary for Iraq to regain the international standing it had held prior to the adoption of Security Council resolution 661 (1990). My report is still with the Council for consideration.

20. The confidence- and cooperation-building period between Iraq and Kuwait introduced last April, as outlined in my report (S/2009/539), has yielded some initial positive results, including efforts carried out by Iraq to find the remains of Kuwaiti and third-country nationals in compliance with paragraph 14 of Security Council resolution 1284 (1999). Building the technical capacity of the Ministry of Human Rights of Iraq, with respect to mass grave excavation and the identification of missing persons through projects sponsored by UNAMI and the United Nations Office for Project Services (UNOPS), will greatly contribute to efforts to locate the remains of Kuwaiti and third-country nationals. Regrettably, no progress has been made in clarifying the fate of the Kuwaiti national archives. There needs to be visible and accelerated progress by Iraq on both missing persons and property. My High-level Coordinator for the return of missing Kuwaiti and third-country nationals and the repatriation of Kuwaiti property, Gennady Tarasov, will continue to facilitate progress in cooperation with both parties and members of the Tripartite Commission. His mandate was extended by the Security Council for a further period of eight months.

21. With regard to the Iraq-Kuwait boundary maintenance project (IKBMP), the Secretariat has completed the planning for the field maintenance work and remains ready to undertake it. However, without confirmation from the Government of Iraq that it is ready to proceed, it will be difficult to establish a timetable for the field maintenance.

22. Regional interaction on border security has continued. On 14 October, the sixth meeting of Interior Ministers of Iraq and its neighbours was convened in Sharm el-Sheikh, Egypt, and included representation from Bahrain, Egypt, the

Islamic Republic of Iran, Iraq, Jordan, Kuwait, Saudi Arabia, the Syrian Arab Republic and Turkey, as well as representatives from the United Nations, the League of Arab States and the Organization of the Islamic Conference as observers. The Ministers reviewed the achievements made since the previous meeting and considered how to enhance mechanisms of cooperation and coordination on common security and border-related issues.

23. Meanwhile, my Special Representative also had the opportunity to meet with the Ministers for Foreign Affairs of Iraq and of a number of neighbouring countries at United Nations Headquarters during the general debate of the General Assembly at its sixty-fourth session. The discussions focused on how to ensure regional support for the country, reaffirming the commitment of UNAMI to support the Government of Iraq in strengthening ties with its neighbours and in enhancing regional cooperation in accordance with the UNAMI mandate.

C. Electoral assistance activities

24. Following the successful announcement of the results for the Kurdish parliamentary and presidential elections at the end of July, the Independent High Electoral Commission has been preparing for the nationwide parliamentary elections scheduled for January 2010. UNAMI continues to provide the Commission with expert technical advice on all aspects of the election process.

25. The first step towards ensuring a credible and accepted national election process was to update the voter registry, which took place between 22 August and 30 September, including a one-week extension to take account of the Eid festivities and in order to ensure maximum turnout. Throughout the registration period, the Commission took additional measures to increase turnout by intensifying the voter education campaign in the media and deploying mobile teams to reach out to displaced persons. As a result of these efforts, over 1.5 million Iraqis visited one of 1,082 voter registration centres to verify their data, amend details or add their names to the voter list. The Commission is currently processing approximately 40,000 data forms per day in the data entry centre in Baghdad. The updated voter list will improve accuracy by identifying voters at the polling-station level and will yet again provide Iraq with a significant safeguard against electoral fraud. In order to assist Iraqis in locating their correct polling location, the Commission has distributed almost 18 million voter information cards that inform voters where to cast their ballots on election day. Political entity registration was conducted across the country, with 296 entities registering to contest the January election, and a total of 166 entities registered with the Commission for the first time. The Commission accredited 187 domestic observer groups and the agents of 78 political entities, covering over 25,000 individual observers.

26. During the reporting period, the Government of Iraq released an initial amount of $30 million necessary to support the Independent High Electoral Commission, thereby allowing crucial administrative and operational tasks, which are necessary for maintaining key activities ahead of the national elections, to continue. To aid the preparation process, members of the Board of Commissioners also undertook a study visit to Germany from 21 to 30 September to observe the national electoral process. UNOPS, working through the electoral cluster led by UNAMI and supported by the United Nations Development Group Iraq Trust Fund, continued to

implement a number of capacity-building initiatives to assist the Commission in the following areas: establishing and handing over a countrywide communication network for the Commission; providing software development for the voter registration update; and providing support to the Commission Public Outreach Department in respect of campaigns and media activities.

27. On 8 November, the Council of Representatives adopted amendments to the Electoral Law. The amendments included increasing the number of seats from 275 to 323, changing the electoral system to an open list, special measures for minority groups and an agreement on holding elections in Kirkuk.

28. The parliamentary debate on the election legal framework and the parliamentary questioning of the Independent High Electoral Commission Board concerning the January 2009 governorate council elections have led to delays in electoral preparations. Candidate nominations have been delayed and it is now more difficult to vet candidates before the election. Further safeguards (preparation of special voting lists for police, military and internally displaced persons; 10-week cascade training for 250,000 election staff; public outreach; and voter education) have been affected. Additionally, it remains unclear in which countries the Commission will conduct out-of-country voting and if, in fact, it is even possible at this late date. The Commission also remains without sufficient funds to conduct the election and any further delay in the transfer of monies could jeopardize the electoral calendar. At this stage, a technically credible election is possible in January, provided there are no additional delays, extra burdens placed on the Commission or major security incidents. UNAMI will continue to further assist the Commission with any technical advice and is committed to ensuring that preparations remain on track.

29. As the parliamentary elections near, the challenge will be to maintain not just the operational capacity of the Commission and its nationwide network of offices but also to reinforce measures aimed at reducing fraud and increasing transparency to ensure a credible electoral outcome. To this end, I also encourage political parties, civil society and interested groups to register their agents well ahead of time so as to ensure that the elections are scrutinized by as many observers as possible. This will be essential in building confidence with all stakeholders, in particular among the electorate, to ensure the successful conduct and subsequent credibility of the results.

D. Humanitarian assistance, reconstruction and development

30. The efforts of the Government of Iraq to chart a clear and strategic development trajectory through the National Development Plan 2010-2014 neared finalization during the reporting period. The United Nations has continued to liaise closely with the National Development Plan High-level Committee to support the Government. In this regard, the United Nations has seconded three technical experts to the Ministry of Planning and Development Cooperation to assist in the National Development Plan planning process and to liaise with the United Nations. At the request of the Government, the United Nations country team provided detailed comments on 12 sectoral analysis papers intended to form the foundation of the plan and will provide further technical support. The National Development Plan has the potential to serve as a crucial statement on Iraq's reconciliation and development

priorities, according to which international support can be better unified and harmonized.

31. The United Nations views the National Development Plan as the guiding document for its future effort in Iraq. As such, UNAMI and the United Nations agencies, funds and programmes have continued their efforts to ensure that the process to develop Iraq's first common country assessment and United Nations Development Assistance Framework 2011-2014 are aligned with the National Development Plan. The analysis within the common country assessment was interlinked to the National Development Plan sectoral analysis, and the Government co-chaired the three thematic working groups of the common country assessment, covering governance, inclusive economic growth and ensuring quality essential services, alongside United Nations counterparts, including the United Nations Development Programme (UNDP), the United Nations Human Settlements Programme (UN-Habitat) and the United Nations Children's Fund (UNICEF). The final common country assessment document will form the basis for a United Nations Development Assistance Framework to be developed during the next quarter.

32. Capacity-building and policy formation at the national level will remain the central pillar of both United Nations work in and international support to Iraq. However, as circumstances permit, the United Nations aims to be more creative and present in order to meet local needs. It aims to do this by supporting job creation, better services and civic participation for all vulnerable groups in areas with high levels of return. Such "area-based" strategies will be a central feature of the work of UNAMI and the United Nations country team through the common country assessment/United Nations Development Assistance Framework to ensure that the United Nations "delivers as one". In order to encourage the actualization of this commitment, the Government of Iraq and the United Nations are considering the establishment of a multi-donor trust fund in 2010 with a focus on transition programming. I encourage donors to explore this option in addition to ongoing bilateral arrangements to achieve the maximum possible operational coherence for the United Nations in Iraq.

33. The meeting of the Executive Committee of the International Reconstruction Fund Facility for Iraq, held on 5 October and chaired by the Minister of Planning and the Government of Denmark (as Chair of the Donor Committee of the Facility), reviewed progress towards Facility closure benchmarks, including the approval of the remaining funds by 31 December 2009. My Special Representative and the Resident Coordinator presented options for a post-Facility funding and coordination mechanism, including the establishment of a new United Nations multi-donor trust fund that would build upon Facility investments to date. The proposed trust fund, to be led by the Government of Iraq, will aim at pooling financial resources for an integrated United Nations strategy to support the National Development Plan. The United Nations country team has prepared and submitted an extensive range of projects and programme activities to utilize the remaining balance of $116 million in the United Nations Development Group Iraq Trust Fund. The 9th meeting of the Donor Committee of the Facility is scheduled for 8 November in Baghdad. I sincerely thank all of the Facility's 25 donors for their extraordinary support to Iraq's recovery through this mechanism.

34. As the International Reconstruction Fund Facility for Iraq draws to a close and the National Development Plan comes into effect, the Government is seeking to find

an appropriate framework for the next phase in the management and coordination of international assistance to Iraq. To this end, Prime Minister al-Maliki has invited the United Nations, working with the Office of the Prime Minister and the international community, to develop an international assistance vision for the country guided by the spirit of the International Compact with Iraq and the Paris Declaration on Aid Effectiveness. As part of this strategy, the annual review of the Compact was prepared during the reporting period with United Nations country team support, for presentation at a meeting of the Government of Iraq and its international partners on 7 November 2009. UNAMI, led by my Special Representative, and my Special Adviser on the International Compact, Ibrahim Gambari, have been engaged in intensive discussions with the Government of Iraq and the international and regional communities to elaborate on how the spirit of the International Compact might be more effectively mobilized to support Iraq's future efforts towards recovery and development.

35. Current United Nations programmatic assistance to Iraq also moved ahead swiftly during the reporting period, in particular the key programmes on private sector development and public sector modernization. UNDP, the United Nations Industrial Development Programme, the International Labour Organization and other participating agencies supported a comprehensive analysis of existing laws and regulations to be revised for a competitive market climate in Iraq. The programme conducted a survey of existing State-owned enterprises to develop a coherent plan for restructuring/privatizing State-owned enterprises in order to improve competitiveness and to help facilitate public-private partnerships. A midyear report on the programme was presented in October. The Office of the Prime Minister and the Ministry of Planning also endorsed the final public sector modernization programme and established a core Government group to drive its implementation. The programme will be a central pillar of future United Nations support to Iraq, in partnership with the public finance management programme of the World Bank.

36. Preparations to hold the Iraq population and housing census in October 2009 were halted during the reporting period, owing to the technical and political challenges facing census operations. The United Nations Population Fund (UNFPA) was requested to provide urgent technical advice to the Ministry of Planning on implementation options for the census. UNFPA detailed possibilities for a census operation that would maintain the quality of the original census approach and its value for development purposes. The Council of Ministers, having considered all options, decided to postpone the census until October 2010. The census remains a critical platform for Iraq's development strategies, including the National Development Plan, and I encourage that all possible steps be taken to ensure its earliest implementation. On a positive note, I am pleased to report that, following advocacy efforts by the United Nations concerning the humanitarian and economic impact of mine-related incidents, in particular the efforts of UNDP and UNICEF, the civilian demining activities that had been suspended since December 2008 resumed during the reporting period.

37. Iraq's humanitarian needs, while gradually diminishing, remained evident during the reporting period, owing to an ongoing drought and the continued targeting of the civilian population by insurgent groups, particularly in Mosul, Kirkuk and Baghdad. United Nations agencies and their partners responded with medical supplies, food assistance and the provision of shelter for those in need. The

return of internally displaced persons and refugee returns have remained generally stable, although a slight increase in the rate of refugee returns was reported by the Office of the United Nations High Commissioner for Refugees in July and August (5,610 individuals, compared to 4,100 for the first two months of the year). Overall, an estimated 27,000 refugees and 114,930 internally displaced persons have returned so far this year, although more support is needed to ensure property and land rights, as well as reliable access to basic services for returnees. Conditions for vulnerable communities and internally displaced persons continue to remain of serious concern, as does the protection of civilians, especially of women, children and some minorities. Overall, an estimated 2.9 million Iraqis are believed to be internally displaced, while an estimated 1.7 million Iraqis have sought refuge in neighbouring countries and beyond.

38. To further expand the United Nations capacity in the most vulnerable areas, UNAMI and the Office for the Coordination of Humanitarian Affairs conducted a joint mission to assess vulnerabilities in the governorate of Diyala, which hosts the largest concentration of displaced persons in Iraq and where nearly 20 per cent of families are female-headed households. Preparations were also made for the joint governorate survey to be conducted as part of the Iraq knowledge network programme between the United Nations, the Central Organization for Statistics and Information Technology of the Government of Iraq and non-governmental organizations, including a workshop held to select indicators, sampling frames and a timetable.

39. Funding for humanitarian action and early recovery in Iraq is still greatly needed. The 2009 consolidated appeal process for Iraq (pillar 1) is currently 44 per cent funded ($134,837,848 from the revised midyear requirement of $308,794,656). Many sectors remain critically underfunded, especially agriculture and mine action. I warmly thank all contributors and urge donors to continue to demonstrate their support. For 2010, the United Nations has developed an Iraq humanitarian action plan, with an increased focus on multisectoral localized programming and partnerships with the Government and civil society to build on the accomplishments of ongoing programmes.

40. Both humanitarian and development support is still needed to tackle Iraq's drought and desertification crisis. Rainfall remains at 50 per cent below normal levels, and river flows are low. Iraq is only generating two thirds of its required 10 million cubic metres of potable water required per day. In addition to the increased prevalence of diarrhoeal disease in 2009, typhoid has been reported in the governorates of Thi-Qar and Dohuk, summer and winter crop production has fallen and livestock are dying. The United Nations, with international and local non-governmental organizations, assisted in the drought response during the reporting period through a variety of activities ranging from short-term water delivery to longer-term water expansion activities. These included conducting 100 water tanker projects and 77 other water-related projects, including the construction of wells and the drilling of boreholes. The construction and rehabilitation of water treatment plants and sanitation networks were supported through an additional 202 projects. Hygiene-awareness campaigns were also conducted and household water filters were distributed. The expanded emergency response fund administered by the Office for the Coordination of Humanitarian Affairs has funded 19 drought response projects by non-governmental organizations.

41. To strengthen essential service delivery in Iraq and improve living conditions, the United Nations specialized funds, programmes and agencies continued to provide a broad range of interventions. UN-HABITAT launched a $70 million country programme for 2009-2011 to invest in housing, urban and community infrastructures. UN-HABITAT also moved ahead on a programme to upgrade city slums, working with the Government to draft an area plan, finalize model housing designs and set an implementation strategy with a steering committee and with the residents of the areas identified for the project. UNICEF launched a new phase of teacher training in the Iraqi Kurdistan region by implementing an accelerated learning programme for youth deprived of primary school education. The World Health Organization (WHO) trained medical personnel from Iraq's governorates on the use of sophisticated biomedical equipment and supported a large-scale prevention campaign against influenza A (H1N1) incidence in Iraq, with 172 cases (142 among members of the multinational forces) and one death reported in eight governorates as of 1 September 2009.

42. The challenges faced in eradicating poverty were exacerbated by a rise in food prices, which contributed to the poverty and vulnerability faced by many families in Iraq, according to a food price analysis report released by the Food and Agriculture Organization of the United Nations and the inter-agency analysis unit during the reporting period. Food prices in local markets doubled between 2004 and 2008, while global food prices increased by 73 per cent. The number of Iraqis living in extreme poverty rose from 15 per cent to 18 per cent between 2005 and 2007. In response, the World Food Programme commenced its response to the challenges of food insecurity and food subsidies, embarking on a Government-led initiative to reform Iraq's public distribution system and broaden food assistance to vulnerable communities.

43. To promote governance and the rule of law in Iraq, UNDP assisted the Iraqi Higher Judicial Council in installing a secure communications system to allow confidential contacts between courts as part of the agency's model courts initiative. Justices from the Council and key technical staff visited their counterparts in Singapore to gain an understanding of possible applications in Iraq of such technologies and to overcome the relative isolation of the Iraqi judiciary since 1991, which has had an impact on the ability of Iraq to modernize its judicial sector. During the reporting period, development of the first Iraqi national anti-corruption strategy continued to progress, with a focus on reviewing the financing of elections and political parties, promoting a civil service code of conduct, identifying jobs prone to corruption, ensuring the protection of witnesses and victims and bringing to light conflicts of interest. An Iraqi delegation participated in two working groups established by the Conference of the State Parties to the United Nations Convention against Corruption.

E. Human rights activities

44. The establishment of an Independent High Commission for Human Rights of Iraq continues to move forward with the support of UNAMI. The UNAMI Human Rights Office worked closely with the Human Rights Committee of the Council of Representatives regarding the appointment of members to the Expert Committee, which includes one member from UNAMI responsible for the selection of commissioners. By the end of September, all 15 members of the Expert Committee

had been identified and have begun work towards the establishment of the Commission. On 5 October, the members of the Expert Committee held a press conference with the UNAMI Human Rights Office announcing the establishment of the Expert Committee and inviting applications from the public for positions as commissioners. The application period will be open from 15 October to 15 November.

45. The UNAMI Human Rights Office continued to work to build the capacity of both civil society organizations and the Government of Iraq to ensure compliance with the United Nations mechanisms for reporting on human rights, in particular the preparation of the universal periodic review submission to the Human Rights Council. In early August, with the support of UNOPS, UNAMI conducted training on the universal periodic review mechanism for 25 civil society organizations representing all geographical regions of Iraq. As a result, by the end of August, the organizations were able to produce and submit, within the required time frame, the civil society report component of the process. UNAMI is also assisting the inter-ministerial committee responsible for drafting the contribution of the Government of Iraq to the universal periodic review report, expected to be submitted in November. In this context, UNAMI and UNOPS jointly organized for the committee a study visit to Bahrain, where authorities shared their own recent experiences on the universal periodic review process with the Iraqi delegation.

46. Child protection and access to social services continue to be a priority for the United Nations in Iraq. In September, the IRFI provided $3,195,000.00 to implement a joint project for strengthening protection and justice for children and young people in Iraq, which was led by UNICEF in conjunction with UNAMI and UNFPA. The project aims to develop a strategy for the juvenile justice system in Iraq through an assessment of current child protection legislation, advocating legislative reform and community involvement in actions that prevent juvenile delinquency and provide vocational training. Additionally, a project led by the United Nations Educational, Scientific and Cultural Organization on building civil values and life skills for adolescents through education in Iraq continued to move ahead. Its implementation is being supported by the UNAMI Human Rights Office and the Economic and Social Commission for Western Asia.

47. Progress on the closure of the detention facilities of the multinational force and the transfer of detainees to Iraqi custody, in accordance with the bilateral security agreement between Iraq and the United States, continues to be monitored by the UNAMI Human Rights Office. Camp Bucca, once the largest detainee centre in Iraq, which held over 26,000 detainees in 2008, was closed in September and the remaining detainees were either handed over to Iraqi security forces or released. As at 1 October, there remained approximately 8,000 detainees in custody in two other multinational force facilities, Camp Taji and Camp Cropper. It is expected that the multinational force will hand over those two camps to the Iraqi authorities in January and August 2010, respectively. The UNAMI Human Rights Office also continues to visit prisons nationwide to assess the situation of detainees and their conditions to build a human rights-based training programme for prison management under their respective authorities.

48. The UNAMI Human Rights Office continues to oversee the implementation of a UNOPS project on support to the ministry of human rights in mass grave excavation and identification of missing persons. It is aimed at building the capacity

of the Ministry of Human Rights to carry out exhumations. A particular focus was placed on the excavation of sites that might contain the remains of missing Kuwaiti prisoners of war since this is part of the ongoing efforts to close the outstanding issues between Iraq and Kuwait. Fifteen participants from the Ministry of Human Rights and seven from the Medico-Legal Institute were trained in August and September by the International Commission for Missing Persons in Baghdad. The training focused on topics such as forensic archaeology and anthropology, database management, excavation and examination practices and the analysis of human remains.

49. With regard to the situation in Camp Ashraf, tensions escalated on 28 and 29 July between Iraqi security forces and the camp's residents who belong to the People's Mujahedeen Organization of Iran. When Iraqi security forces entered the Camp to establish a police station within its boundaries, the People's Mujahedeen Organization of Iran strongly objected and the ensuing confrontation resulted in 11 residents killed and approximately 200 wounded. Iraqi security forces further arrested and detained 36 residents, who then staged a hunger strike in conjunction with another 136 residents. On 7 October, the detainees were released and returned to the Camp, after agreeing to appear before an Iraqi court if summoned and to leave Iraq for third-country resettlement if the opportunity were made available. Subsequently, Iraqi Government officials have called for the closure of the Camp, but have repeatedly given assurances to UNAMI of their commitment to treat the residents in accordance with international humanitarian law and the principle of *non-refoulement*. In response to numerous requests UNAMI, supported by the Office of the United Nations High Commissioner for Human Rights, has undertaken monitoring of the humanitarian situation in the Camp as part of an effort to find possible solutions involving various interested parties.

F. Operational, logistic and security issues

50. In late October 2009, the Mission welcomed a joint visit from the Departments of Field Support, of Safety and Security and of Political Affairs to conduct an assessment of the impact that the expected drawdown of the multinational force would have on the Mission, as well as of the associated agreements that provide support to United Nations operations in the country. Against this backdrop, the contract to provide the Mission with helicopters is still pending final approval from United Nations Headquarters. Given that the level of support from the multinational force is expected to decrease in the coming years, it is becoming increasingly important that the Mission obtain its own helicopters in order to access many locations across the country.

51. UNAMI has also continued to work to increase the integrated facilities available to the entire United Nations team in Iraq. Initiatives launched during the reporting period will expand the accommodation facilities available in Baghdad by the end of 2009. UNAMI continues to work closely with the relevant offices at United Nations Headquarters, in particular the Procurement Division, the Logistics Support Division and the Department of Safety and Security, for the procurement of architectural and engineering services for the design of the future integrated United Nations compound in Baghdad. The request for proposal for the construction of the compound was distributed to interested vendors, and a mandatory site visit for the potential contractors was conducted in late October 2009.

52. Overall, a decrease in security incidents occurred in the first half of July. However, the decrease was temporary since insurgent groups resumed their staging of mass casualty attacks against the civilian population, as well as targeting minority groups. The Iraqi security forces throughout Iraq were also targeted, in order to undermine the Government's efforts over the past 18 months to improve the security situation. However, during the month of Ramadan, incident levels again declined. Following the attacks on 19 August and 25 October, the Government of Iraq decided to postpone plans to increase civilian access to the international zone and reconsider other measures aimed at restoring normal life in the city. Indirect fire attacks have continued in the international zone, but at a less frequent rate than in the first part of 2009.

53. Insurgent activity in northern and central Iraq remains a concern, in particular attacks aimed at exacerbating local political tensions. Recent Iraqi security forces operations, launched in early October, saw over 200 suspects detained, including a number of alleged senior insurgent figures. The insurgent groups, in attempting to reassert themselves, have also reportedly stepped up their intimidation campaigns against local civilians to dissuade them from cooperating with the security forces.

54. The cities of Ramadi and Fallujah have remained the focus of insurgent activities in Al-Anbar region. Ramadi, in particular, experienced an increase in multiple attacks targeting Iraqi Government facilities and senior Awakening Council leaders. In Basra, Iraqi security forces continued operations targeting criminal elements affiliated with militias. As a result of these operations, large weapons caches have been located and seized. The Basra Air Station, a large MNF-I facility in the Basra area, as well as other smaller MNF-I bases in southern Iraq, have been targeted by indirect fire.

55. The UNAMI Security Section continued to work during the reporting period with counterparts in the Department of Safety and Security and the Department of Field Support to adapt to the changing security context in Iraq. The challenge for UNAMI and the United Nations country team is to strengthen security arrangements and seek greater self-reliance, which may necessitate additional financial resources. These steps remain necessary and vital in maintaining the safety and security of United Nations staff, facilities and assets in Iraq, while trying, to the extent possible, to respond to the growing demand for a larger United Nations presence on the ground.

IV. Observations

56. Over the past several years, notable progress has been achieved in Iraq, in large part due to the commitment and resolve of the Government and people of the country. Iraq is now entering a crucial period and the challenge is to consolidate the hard-earned gains that have been made. Since the signing of the bilateral security agreement between Iraq and the United States, Iraqi security forces have assumed greater responsibilities and achieved progress in restricting the activities of insurgents and in shielding the Iraqi people and institutions from potential attacks. Nevertheless, the tragic loss of innocent Iraqi lives on 19 August and 25 October is a reminder of the threat from those who seek to undermine the country's continuing democratization. In the face of these and other deplorable attacks, however, the Iraqi

people have not been deterred. They have demonstrated their determination not to allow such attacks to stand in the way of democratic progress.

57. In this regard, I welcome the agreement reached on 8 November in the Council of Representatives on amendments to the Electoral Law in Iraq. Despite serious disagreements in the Council of Representatives, political leaders rose above their differences and worked together to forge an agreement that is broadly accepted across the political spectrum. I am pleased that UNAMI was able to provide the necessary technical assistance to Iraqi parliamentarians and help them to bridge the differences over the Electoral Law. With the passage of the Electoral Law, I now appeal to all political blocs and their leaders to demonstrate true statesmanship during the election campaign and participate in a spirit of national unity. I also encourage all Iraqis to exercise their right to vote in these upcoming elections which will shape their country's future.

58. Since 2003, with United Nations assistance, Iraq has managed to hold three successful elections and a national referendum, generally considered credible and broadly participatory. The peaceful conduct of provincial elections and Kurdistan Regional Government elections earlier in 2009, underscores this remarkable achievement. I firmly believe that the forthcoming national election planned for January 2010 represents a historic opportunity for Iraq and a crucial step forward for national reconciliation. It will also contribute to Iraq's political progress and could go a long way towards strengthening Iraq's sovereignty and independence. With this hope in mind, I reaffirm the United Nations commitment to continue to support and assist Iraq during the electoral process.

59. In order to bring political stability and lasting peace to the country, it is essential that the Federal Government in Baghdad and the leadership of the Iraqi Kurdistan region strive to resolve their differences through meaningful dialogue. Continuing disagreements, in particular with respect to disputed internal boundaries and the sharing of the natural resources, will hinder political progress at the national level. Not only has this become a source of tension between Iraqi and Kurdish security forces but it has also added to the deep mistrust that exists among local communities in northern Iraq. It is the responsibility of all elected representatives, especially national leaders, to work towards reducing tensions and reach political compromises. With the support of UNAMI, I hope both sides will use the High-Level Task Force to identify viable confidence-building measures and create a positive momentum towards national reconciliation.

60. The normalization of Iraq's relations with its neighbours is important for regional stability. Cooperation on a range of issues of mutual concern, including trade, energy, border security and refugees, will be vital to this end. Regional cooperation is a two-way process. Both Iraq and its neighbours will need to engage each other and demonstrate their willingness to listen to each other's concerns. I also call upon all Member States, and in particular Iraq's neighbours, to respect Iraq's sovereignty and to adhere to the principle of non-interference, a fundamental tenet of the Charter of the United Nations. For its part, and within the scope of its mandate, the United Nations is committed to supporting efforts towards a productive regional dialogue and cooperation in all key areas.

61. My report to the Security Council pursuant to paragraph 5 of resolution 1859 (2008) (S/2009/385), has been supportive of the efforts by the Government of Iraq to normalize the country's international standing in a number of ways, from

assisting in capacity-building and debt reduction under the framework of the International Compact with Iraq to United Nations assistance in promoting regional dialogue. However, I would encourage Iraq to meet its obligations under paragraph 14 of Security Council resolution 1284 (1999) and to reaffirm its land and maritime borders with Kuwait in accordance with Security Council resolutions 833 (1993) and 773 (1992). These steps could go a long way towards building confidence and further improving mutual relations with Kuwait and the wider region. They could also help to create positive momentum towards Iraq's normalization. In view of its mandate to promote regional cooperation, UNAMI, together with the wider United Nations system, is committed to supporting these efforts.

62. Following the successful conduct of national elections, there will also be a need for the Government of Iraq, together with the support of the international community, to improve the delivery of basic utilities and accelerate the pace of reconstruction and development in the country. As Iraq looks to the future, the National Development Plan should define the optimal path towards a healthier economy that raises the living standards of ordinary Iraqi citizens, while serving as a cohesive basis of engagement with the international community.

63. The National Development Plan has also given new momentum to Iraq's re-examination of existing frameworks that provide the basis for international partnership. The time has therefore come to ensure full Iraqi ownership of the development process, and in the spirit of the International Compact, to help consolidate the current frameworks in support of the Government's vision for national recovery. My Special Representative and the United Nations system will continue to assist in this regard.

64. I would like to express my continued gratitude to all national and international United Nations staff members across the country for their dedicated service. I would also like to express my sincere appreciation for the efforts of my Deputy Special Representative, Andrew Gilmour, as he completes his tenure in Iraq. I further welcome my new Deputy Special Representative for Iraq (humanitarian, reconstruction and development), Christine McNab, who arrived at the Mission on 1 November, and to thank Naeema al-Gasseer, WHO Representative for Iraq, who served as my acting Deputy Special Representative for the past six months. The commitment of United Nations staff in assisting the people of Iraq despite very challenging conditions stands in the best tradition of international public service.

United Nations S/2009/586

Security Council

Distr.: General
11 November 2009

Original: English

Letter dated 10 November 2009 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit the report of the United Nations Fact-Finding Mission on the Gaza Conflict* to the Security Council, pursuant to the request by the General Assembly, contained in paragraph 2 of its resolution 64/10 of 5 November 2009.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

* The attachment transmitted by the Secretary-General is identical to the annex to document A/64/490.

09-60399 (E) 121109

Please recycle

United Nations S/2009/587

Security Council

Distr.: General
12 November 2009

Original: English

Letter dated 12 November 2008 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution 1534 (2004), as at 9 November 2009 (see enclosure).

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

(*Signed*) Dennis **Byron**
President

09-60547 (E) 241109

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Enclosure

[Original: English and French]

Report on the completion strategy of the International Criminal Tribunal for Rwanda

(as at 9 November 2009)

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Introduction

1. In 2003, the International Criminal Tribunal for Rwanda ("Tribunal") formalized a strategy ("Completion Strategy") to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008 and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal's progress to date in implementing the Completion Strategy, which has been continuously updated and developed since 2003.[1]

1. Activities in Chambers

A. Activities at first instance

3. The three Trial Chambers of the Tribunal, located in Arusha, have delivered four judgements in single-accused cases since 5 May 2009, including one contempt of court case and a sentencing judgement for a guilty plea.[2] Six cases concerning 17 accused, including one retrial, are in the judgement drafting phase,[3] with at least two more judgements to be delivered before the end of 2009.[4] The presentation of evidence has been completed in two single-accused cases and closing arguments are forthcoming at the beginning of 2010.[5] Six trials involving eight accused are ongoing.[6]

4. The Tribunal continues to face a variety of challenges that affect the duration of trials and judgement drafting, linked mainly to fair trial concerns, staff constraints and parallel assignments of judges to several of the numerous ongoing trials. The evidence phase of all first instance trials is now projected to be finalized before mid-2010, with the exception of the trial in *Karemera et al.* for reasons set out below. Preparations for the trials of two recently arrested indictees have commenced.[7]

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[1] See the reports submitted to the United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 (2003) and the Tribunal's request to increase the number of *ad litem* judges sitting "at any one time". Completion Strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008 and 14 May 2009.

[2] *Renzaho, Kalimanzira, Nshogoza, Bagaragaza*: further explanation is provided in paragraphs 5 to 8.

[3] *Nsengimana, Setako, Bizimungu et al., Nyiramasuhuko et al.* ("Butare"), *Ndindiliyimana et al.* ("Military II"), *Muvunyi:* further explanation is provided in paragraphs 10 to 14.

[4] *Muvunyi* and *Nsengimana*.

[5] *Munyakazi, Hategekimana*: further explanation is provided in paragraphs 16 and 17.

[6] *Kanyarukiga, Ngirabatware, Karemera et al., Ntawukulilyayo, Gatete, Nzabonimana*: further explanation is provided in paragraphs 19 to 24.

[7] *Ndahimana, Nizeiyimana*: further explanation is provided in paragraphs 26 and 27.

a. Judgements (annex 1 (A))

5. On 14 July 2009, Trial Chamber I rendered judgement in the matter of *Tharcisse Renzaho*, a colonel and former prefect of Kigali-Ville. The Chamber, composed of Judges Møse, presiding, Egorov and Arrey, sentenced Renzaho to life imprisonment for genocide, crimes against humanity and war crimes. In all, 53 witnesses were heard over 49 trial days.

6. A section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, delivered the judgement in the case against *Callixte Kalimanzira*, the former *Chef de cabinet* of the Ministry of the Interior. On 22 June 2009, the Chamber found Kalimanzira guilty of genocide and direct and public incitement to commit genocide and sentenced him to 30 years' imprisonment. The Chamber heard 66 witnesses, including Kalimanzira himself, over 37 trial days.

7. Another section of Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay, delivered the judgement against *Léonidas Nshogoza*, a former Defence investigator in the *Kamuhanda* trial, on 2 July 2009. After 23 trial days, during which the Chamber heard 16 witnesses, including Nshogoza himself, it convicted Nshogoza on one count of contempt of the Tribunal and acquitted him on three other counts in the indictment. The Chamber sentenced Nshogoza to 10 months' imprisonment. Noting that Nshogoza was entitled to credit for time served at the United Nations Detention Facility in Arusha since 8 February 2008, the Trial Chamber ordered his immediate release. During the reporting period, the Trial Chamber also delivered eight decisions and five orders.

8. A third section of Trial Chamber III, composed of Judges Joensen, presiding, Tuzmukhamedov and Kam, rendered the sentencing judgement against *Michel Bagaragaza*, the former Director General of the Government office that controlled the Rwandan tea industry, on 5 November 2009. He was sentenced to eight years' imprisonment. Bagaragaza's trial was scheduled to start on 31 August 2009. However, shortly before this date, the parties filed a joint motion for consideration of a guilty plea for complicity in genocide. The Chamber accepted the guilty plea of the accused on 17 September 2009 and granted the Prosecution's motion to amend the indictment, dropping all other charges against Bagaragaza. On 3 and 4 November 2009, the Chamber heard one character witness, admitted written evidence and heard the closing arguments of the parties. The Pre-Trial and the Trial Chambers issued nine decisions and orders during the reporting period.

b. Cases in judgement drafting phase (annex 1 (B))

9. Six cases are currently in judgement drafting phase. For three of these single-accused cases, judgements are expected to be issued before the end of 2009 or in early 2010, while in the remaining three cases, involving 14 accused, judgements will be delivered before the end of 2010.

10. Trial Chamber I, composed of Judges Møse, presiding, Egorov and Arrey, is engaged in deliberations on two cases. The first case is that of *Hormisdas Nsengimana*, a priest and former rector of Collège Christ-Roi in Nyanza. A total of 43 witnesses testified over the course of 42 trial days. Closing arguments were heard on 12 and 13 February 2009. Judgement will be delivered on 17 November 2009. The second case is that of *Ephrem Setako*, a lieutenant-colonel and Director of the Judicial Affairs Division of the Ministry of Defence. A total of 56 witnesses gave

evidence during 60 trial days. On 5 October 2009, the parties filed their final closing briefs. Closing arguments were heard on 5 and 6 November 2009. Judgement writing will probably spill over into early 2010. The same bench that is preparing both judgements has also been managing the pretrial work in two other cases, and Judge Arrey is presiding over the *Munyakazi* trial.

11. A section of Trial Chamber II, composed of Judges Khan, presiding, Muthoga and Short, has continued the judgement drafting in the *Bizimungu et al.* case, which involves four former ministers of the Interim Government (Casimir Bizimungu, Justin Mugenzi, Jérôme Bicamumpaka and Prosper Mugiraneza), which was installed after the assassination of former Rwandan President Habyarimana. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. Judgement delivery is expected by the end of 2010. The Chamber has delivered decisions on eight pending motions during the reporting period. In addition, two judges from this Chamber have handled pretrial matters in several cases, delivered the judgement in the trial against *Nshogoza* and are currently hearing the evidence in the *Ntawukulilyayo* and *Gatete* trials. The third Judge has been working part-time since August 2009.

12. Another section of Trial Chamber II, composed of Judges Sekule, presiding, Ramaroson and Bossa, continues with deliberations and judgement drafting in the *Nyiramasuhuko et al.* trial ("*Butare*" case), involving six accused: Pauline Nyiramasuhuko, Arsène Shalom Ntahobali, Sylvain Nsabimana, Alphonse Nteziryayo, Joseph Kanyabashi and Élie Ndayambaje. The trial lasted over 726 days and 59 Prosecution and 130 Defence witnesses were heard. Judgement delivery is expected by the end of September 2010. During the reporting period, the Chamber issued one order. Each of the three judges of the bench is also presiding in a trial (*Ngirabatware*, *Hategekimana* and *Nzabonimana*) and one judge is sitting in addition as a member of the bench in another trial.

13. The *Ndindiliyimana et al.* trial ("*Military II*" case) before another section of Trial Chamber II, composed of Judges De Silva, presiding, Hikmet and Park, commenced in September 2004 and closing arguments were heard from 24 to 26 June 2009. The Chamber is now involved in the judgement drafting process and judgement delivery is expected by the end of September 2010. The trial involves four former military leaders, Augustin Ndindiliyimana, Augustin Bizimungu, François Xavier-Nzuwonemeye and Innocent Sagahutu. During the course of 393 trial days, the Chamber heard a total of 217 witnesses and admitted 965 exhibits. In the reporting period, the Chamber issued six written decisions. Two judges of the bench are sitting in the *Kanyarukiga* trial, and one of them also sits in the *Hategekimana* trial. The Presiding Judge has been working part-time since June 2009.

14. A section of Trial Chamber III with Judges Byron, presiding, Kam and Joensen, heard the evidence in the retrial against *Tharcisse Muvunyi*, the former interim commander of the École des sous-officiers camp in Butare. The retrial is limited to one allegation of the indictment, i.e., incitement to commit genocide. The Chamber heard 13 witnesses over nine trial days. The parties filed their closing brief on 23 September 2009, and the Chamber heard their closing arguments on 2 October 2009. During the retrial, the Chamber rendered 11 decisions and orders. The judgement will be delivered before the end of 2009. The judges of the bench are also sitting in the *Karemera et al.* trial and handled pretrial matters in several cases.

In addition, two of the judges are part of the bench in the *Bagaragaza* guilty plea proceedings.

c. Cases where evidence is completed and closing arguments will be heard soon (annex I (C))

15. In two trials, the evidence phase has been completed, and the Chambers will hear the closing arguments in early 2010.

16. The trial of *Yussuf Munyakazi*, an alleged Interahamwe leader, commenced on 22 April 2009 before a section of Trial Chamber I, composed of Judges Arrey, presiding, Rajohnson and Akay. The Trial Chamber heard 11 Prosecution witnesses and 20 Defence witnesses over 19 trial days. The parties are to file their closing briefs by 7 December 2009 and present oral arguments on 29 and 30 January 2010. The Trial Chamber expects to deliver its judgement in May 2010. During the course of the trial to date, the Trial Chamber issued 12 written decisions and a number of oral decisions.

17. A section of Trial Chamber II, composed of Judges Ramaroson, presiding, Hikmet and Masanche, has completed the evidentiary phase in the case of *Ildephonse Hategekimana*, a commander of the Ngoma Military Camp. The Chamber heard 40 witnesses over 42 trial days and issued 35 interlocutory decisions and orders. The parties' closing briefs are scheduled to be filed on 15 January 2010 and, following the translation of the parties' briefs into French and English, respectively, their closing arguments are to be heard on 25 February 2010. The judgement is scheduled for delivery in May 2010.

d. Ongoing trials (annex I (D))

18. Five single-accused cases and one multi-accused case are currently ongoing before the Trial Chambers.

19. The trial against *Gaspard Kanyarukiga*, a businessman, commenced on 31 August 2009 before a section of Trial Chamber II, composed of Judges Hikmet, presiding, Park and Masanche. After calling 11 witnesses over 14 trial days, the Prosecution closed its case on 17 September 2009. The Defence case is scheduled to take place between 18 January and 12 February 2010 to allow the Defence adequate time and facilities for the preparation of its case. A total of 19 written decisions and orders, including the decision on the Defence motion for judgement of acquittal, and five oral decisions were issued during the reporting period. Judgement delivery is expected in July 2010.

20. The trial of *Augustin Ngirabatware*, the Minister of Planning in the Government of Rwanda during 1994, commenced on 23 September 2009 before a panel of Trial Chamber II, composed of Judges Sekule, presiding, Bossa and Rajohnson. The trial was initially scheduled to start on 15 May 2009, but was delayed owing to a decision by the Appeals Chamber granting the Defence additional time to prepare for trial and owing to the subsequent replacement of Defence Counsel. During the reporting period, six witnesses completed their testimony. The Prosecution case has been adjourned so that two judges of the bench can hear the Prosecution evidence in the *Nzabonimana* trial, and will resume in January 2010. The Chamber has issued 13 written and 10 oral rulings during the reporting period. Judgement delivery is expected in early 2011.

21. A section of Trial Chamber III, composed of Judges Byron, presiding, Kam and Joensen, continued hearing evidence in the *Karemera et al.* case, involving Édouard Karemera, former Minister of the Interior, Joseph Nzirorera, former President of the National Assembly, and Matthieu Ngirumpatse, former President of the Mouvement républicain pour le développement national et la démocratie. The first accused, Karemera, closed his case on 28 May 2009 after 60 trial days. During the reporting period, the Chamber rendered 67 decisions and orders, including a decision on remand from the Appeals Chamber regarding the continuation of trial. The Chamber reversed its earlier decision to sever Ngirumpatse from the case. Proceedings recommenced on 19 October 2009, with the presentation of Joseph Nzirorera's case. In order to allow Ngirumpatse to participate in the trial despite his poor health, the case is currently being heard in half-day sessions only. The trial is scheduled to continue in 2010 with the judgement to be delivered by mid-2011.

22. Another section of Trial Chamber III, composed of Judges Khan, presiding, Muthoga and Akay, is hearing the evidence in the case against *Dominique Ntawukulilyayo*, former *Sous-préfet* of Gisaraga *Sous-préfecture* in Butare *Préfecture*. The trial opened on 6 May 2009, and the Prosecution closed its case on 26 May 2009 after calling 12 witnesses over 12 trial days. The Defence case commenced on 23 September 2009 and is expected to close in November 2009. During the reporting period, the Trial Chamber delivered decisions on eight motions and issued four orders. Judgement delivery is expected in September 2010.

23. The same bench is hearing the evidence in the trial against *Jean-Baptiste Gatete*, a former *Bourgmestre* of Murambi *commune* and alleged Interahamwe leader. Following an order by the Pre-Trial Chamber, the Prosecution filed a second amended indictment on 7 July 2009. The trial opened on 20 October 2009, and by 6 November 2009, the Chamber had heard 13 witnesses over seven trial days. The Prosecution is expected to conclude its case in November 2009 and the Defence case will follow in early 2010. During the reporting period, the Chamber rendered 10 decisions and one order. Judgement delivery is expected in December 2010.

24. The trial in the case of *Callixte Nzabonimana*, Minister of Youth in the Interim Government, started on 9 November 2009 before another section of Trial Chamber III composed of Judges Bossa, presiding, Tuzmukhamedov and Rajohnson. The commencement of the trial had to be postponed in order to allow the Defence additional time for preparation. During the reporting period, the Pre-Trial Chamber rendered nine decisions and orders, including one regarding cooperation with France, and the Trial Chamber issued an additional five decisions. The Trial Chamber expects the Prosecution to conclude its case by the end of 2009, and the Defence to present its case during the first half of 2010. Judgement delivery is expected in early 2011.

e. Cases in pretrial phase (annex 2)

25. Two fugitives have recently been arrested and transferred to the Tribunal. Preparations have begun for the commencement of their trials in the course of 2010.

26. Grégoire Ndahimana, *bourgmestre* of Kivumu, was arrested on 10 August 2009 in the Democratic Republic of the Congo and transferred to Arusha on 21 September 2009. He made his initial appearance before Judge Khan on 28 September 2009 and pleaded not guilty to all counts in the indictment. The case was initially earmarked for referral to a national jurisdiction under rule 11 *bis* of the Rules of Procedure and

Evidence. However, for the time being, no such request has been made by the Prosecutor. Trial Chamber III, composed of Judges Byron, Joensen and Akay, is handling pretrial matters in view of a possible commencement of the trial before the Tribunal in the first half of 2010.

27. Idelphonse Nizeyimana, former second-in-command in charge of intelligence and military operations at the École des sous-officiers, was arrested on 5 October 2009 in Uganda and transferred to Arusha one day later. He made his initial appearance before Judge Khan on 14 October 2009 and pleaded not guilty to all counts in the indictment. Nizeyimana is one of the four fugitives who are earmarked for trial before the Tribunal due to their alleged high-rank responsibility in the genocide. Preparations for a commencement of his trial in the course of 2010 have commenced. Trial Chamber III, composed of Judges Byron, Kam and Joensen, is handling pretrial matters.

B. Activities at the Appeals Chamber

28. The Appeals Chamber is presently seized of eight appeals from judgement. In the *Bikindi* case, both parties appealed from the trial judgement rendered on 2 December 2008. The appeals were heard on 30 September 2009. In the *Zigiranyirazo* case, the trial judgement was rendered on 18 December 2008, both parties appealed, and the appeals were heard on 28 September 2009. In the *Nchamihigo* case, the appellant filed his notice of appeal on 6 March 2009 and the appeal was heard on 29 September 2009. The deliberations and judgement drafting in these three cases are presently in progress; the appeal judgement in the *Zigiranyirazo* case will be delivered on 16 November 2009.

29. In the case of *Bagosora et al.*, the written trial judgement was issued in English on 9 February 2009. Théoneste Bagosora has been directed by the Appeals Chamber to file his notice of appeal no later than 30 days from the date of the filing of the French translation of the trial judgement. Co-defendants Aloys Ntabakuze and Anatole Nsengiyumva filed their notices of appeal in March 2009, and the briefing in respect of Ntabakuze's appeal is now complete. In the *Rukundo* case, the trial judgement was rendered on 27 February 2009, the Prosecution filed its notice of appeal on 4 April 2009 and the Appeals Chamber granted an extension of time to Emmanuel Rukundo to file his notice of appeal within 30 days of the filing of the French translation of the trial judgement. Rukundo filed his notice of appeal on 6 November 2009 and the briefing of both appeals is proceeding. In the *Kalimanzira* case, in which the trial judgement was rendered on 22 June 2009, both Callixte Kalimanzira and the Prosecution filed notices of appeal. Kalimanzira received an extension of time to file his appeal brief within 75 days of the filing of the French translation of the trial judgement; the briefing of the Prosecution's appeal is proceeding. In the *Renzaho* case, in which the trial judgement was rendered on 14 July 2009, Tharcisse Renzaho filed his notice of appeal on 2 October 2009. The Appeals Chamber is also seized of an appeal brought by Léonidas Nshogoza, who is appealing his contempt conviction. The briefing in this case was completed on 24 August 2009 and deliberations and judgement drafting are in progress.

30. Since the previous report in May 2009, in addition to hearing the appeals in the *Bikindi*, *Zigiranyirazo* and *Nchamihigo* cases, the Appeals Chamber rendered seven decisions disposing of interlocutory appeals, eight decisions concerning review or other requests and 75 pre-appeal orders and decisions.

2. Measures implementing the Completion Strategy

The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its Completion Strategy.

A. Judicial management

a. Judicial calendar

31. Every six months, the Office of the President issues a judicial calendar after consultation with the Presiding Judges in each case and, whenever possible, with representatives of the Prosecution and the Defence. This calendar is constantly updated and adapted to recent developments.

32. Modifications of the calendar are required frequently due to a variety of factors, which are mostly not within the control of the Tribunal and which need to be taken duly into account in order to ensure that all accused receive a fair trial. During the reporting period, these factors included, for example, resignation of a Defence team, the continued illness of an accused, and a decision from the Appeals Chamber requiring the Pre-Trial Chamber to grant the Defence additional time for preparation of the trial. In addition, the intense workload of all the judges, who sit on multiple cases, implies that a delay in one case often has an adverse impact on the scheduling for other cases in which the same judges are involved.

33. In particular, in the current pre-closure and downsizing phase, the judicial calendar is the basis of planning for all three organs of the Tribunal concerning the scope of budget requests and contract extensions, the end dates of which are now closely linked to the assignments to be completed by each staff member. The frequent need for adaptations of this calendar therefore remains a continuous challenge, and flexibility is essential to ensure that the Tribunal has the necessary resources available at all times for efficiently completing its tasks.

34. Between May and November 2009, 10 different sections of the Trial Chambers used the four courtrooms of the Tribunal in 12 different cases to hear evidence, closing arguments, initial appearances and pretrial matters, while intense out-of-courtroom pretrial, trial and judgement drafting work continued at the same time in all three Chambers.

b. Management of proceedings

35. During the reporting period, the Tribunal achieved significant results, and in the majority of cases, the Chambers were able to adhere to the time standards set out in previous reports.

36. The projected average duration of four weeks for the presentation of Prosecution and Defence evidence was met during the reporting period in almost all the trials that commenced during the period. Certain cases took significantly less time, such as the *Munyakazi* trial, with the Prosecution closing its case after seven trial days.

37. During the reporting period, the Prosecution phase was completed in six trials. Four of these cases complied substantially with the time standard of approximately six to eight weeks for the break between the presentation of the Prosecution and the

Defence cases. In the other two cases, fair trial standards required that the break be extended to allow additional time for the preparation of the Defence.

38. Chambers experienced some difficulties meeting the standards for the average duration of the break between closure of the evidence and the filing of closing briefs of two months, and between the filing of closing briefs and the presentation of oral closing arguments of three weeks, often due to translation requirements and staffing constraints in the Language Support Section of the Tribunal.

39. It was projected in the previous report that based on the currently available staffing level, judgements would be rendered within eight months after the closing of the evidence in single-accused cases. During the reporting period, three trial judgements were delivered. Two of them were rendered earlier than projected, after three and four months respectively (*Nshogoza*, *Kalimanzira*). Every effort is being made to meet the standard of eight months in all forthcoming judgements.

40. The judgement drafting process in the three multi-accused cases, which have completed the evidence stage, is ongoing. It is continuously challenged by the parallel involvement of judges and legal staff in other cases, both in the pretrial and trial phases, as well as by the late arrival of new staff to work exclusively on the judgement drafting and a high rate of staff turnover. Judgement delivery is now expected in September and December 2010.

41. Pretrial work for the commencement of the trials of the two newly arrested accused has begun with the goal of providing the parties timely support and all facilities for an efficient trial preparation.

42. The Trial Chambers continue to work on improving the management of trials on all levels, from the pretrial to the actual trial phase and to judgement drafting. An ongoing dialogue between the Presiding Judges of each case and the Office of the President, including on workplans for all stages of the trial, ensures that problems can be addressed early. An advisory strategic panel has been established and has adopted further recommendations for the improvement of pretrial and trial management. These recommendations include the appointment of a Liaison Officer in the Registry who assists Chambers to evaluate the state of preparations of each defence team and informs Chambers about difficulties that could affect the trial progress.

B. Judges and staff management

a. Judges

43. Currently, nine permanent judges and 11 *ad litem* judges are serving at the Tribunal. Two of the permanent judges are assigned to the Appeals Chamber. Another permanent judge, Judge Sergei Egorov, resigned in August 2009. However, he has been authorized by the Security Council, in its resolution 1878 (2009), to complete his assignments. Following Judge Egorov's resignation, Judge Bakhtiyar Tuzmukhamedov from the Russian Federation joined the Tribunal in September 2009. Permanent Judge Asoka De Silva and *ad litem* Judge Emile Short have been authorized by the Security Council, in the same resolution, to work part-time while completing their current assignments and to take up employment in their home countries.

44. Security Council resolution 1878 (2009) extended the mandate of all but one of the currently serving judges until 31 December 2010 or until completion of the cases to which they are assigned, if sooner. Judge Møse did not wish to extend his service beyond 31 December 2009, but may need to have his mandate extended into early 2010 in order to complete the judgement writing in the *Setako* case. A request to this effect has been submitted for the attention of the Security Council.

45. With the exception of the two part-time judges, all judges are assigned to at least two cases and several sit on the bench of three cases in various trial stages at one time.

46. In particular with a view to this heavy workload, the inequality in emoluments between permanent and *ad litem* judges remains a source of concern. Eight out of the 11 *ad litem* judges currently serving at the Tribunal will have been in service for longer than three years by the time they complete their current assignments and many have served for five years or longer. The President of the Tribunal has asked the Secretary-General to take appropriate steps to bring this matter to the attention of the General Assembly.

b. Staff management

47. Staff retention remains a major challenge. The downsizing process has begun in some sections of the Tribunal for certain functions that are no longer considered essential. However, maintaining an adequate level of competent, committed and experienced staff for the core functions of the Tribunal, i.e., the ongoing intense trial activity, including trial support activities such as investigations and tracking, is critical to avoid further delays in the finalization of trials and the delivery of judgements. The Tribunal's budgetary request for the 2010-2011 biennium reflects this situation.

48. As soon as possible, the Tribunal intends to offer contract extensions into the next biennium in line with the schedule of trials to those staff members whose tasks are still considered essential. Providing such increased contract security should assist in upholding staff morale and increasing staff retention during the pre-closure phase.

c. Expansion of the Appeals Chamber

49. Security Council resolution 1878 (2009) authorized an expansion of the Appeals Chamber by up to four additional judges from both the Rwanda Tribunal and the International Criminal Tribunal for the Former Yugoslavia over the next few years. In view of the intense appellate work awaiting the Appeals Chamber in 2010 and 2011, following the increased number of trial judgements to be delivered, this expansion, which will require additional legal support staff, is essential for the successful completion of its workload until mid-2013, as currently expected.

C. Rule amendment

50. At the Plenary Session of 1 October 2009, the Judges of the Tribunal approved an amendment of the Rules of Procedure and Evidence (new rule 71 *bis*), which allows for special depositions to be taken with the goal of preserving evidence for future trials of the remaining fugitives, in particular those three[8] earmarked for trial before the Tribunal. This amendment addresses the pressing problem of increasing loss of evidence, 15 years after the genocide.

D. Work of the Office of the Prosecutor — referrals

51. The Office of the Prosecutor, in addition to continuing with ongoing trial and appellate work and preparations in pending cases, has also started preparation for the trials of the two recently arrested indictees. Pursuant to the recent amendment of the Rules of Procedure and Evidence, the Office is furthermore in the process of preparing the cases of the three top fugitives for preservation of the evidence in their cases.

52. In addition to the new trials, efforts of the Office of the Prosecutor focus on the increasing workload of its Appeals and Legal Advisory Division, as it is expected that every judgement passed by the Trial Chamber, save for those in which the indictee has pleaded guilty, will be challenged on appeal by the Defence and in some cases appeals will also be filed by the Office.

53. Efforts at tracking the remaining 11 fugitives in the Democratic Republic of the Congo and neighbouring countries have been intensified. Pursuant to further representations made by the Office of the Prosecutor at a recent conference of the International Association of Prosecutors, it and the International Criminal Police Organization (INTERPOL) have taken the decision to refocus their energies on the tracking of the fugitives. More arrests are expected.

54. The Office of the Prosecutor awaits a response to its latest communication with the Government of Kenya on its request for further information on the movement of Félicien Kabuga, who is alleged by the Government to have left Kenya. Several requests from the Prosecutor to Kenyan authorities on the circumstances of the alleged departure have remained unanswered to date.

55. A number of countries have begun investigations into the cases of Rwandan suspects residing within their national jurisdiction. These suspects are not indictees of the Tribunal. A number of these national prosecuting authorities have made substantial requests for mutual legal assistance from the Office of the Prosecutor, requiring it to service the foreign requests through intensive documentary searches, contacting witnesses to get their respective consent for disclosure of their statements and other evidentiary materials, and the negotiation and signing of mutual agreements to protect confidential information and sources. This workload is expected to increase over the next biennium.

56. Pursuant to consultations with the Chief of the United Nations Archives and Records Management Section, the Information and Evidence Section of the Office of the Prosecutor, as part of a Tribunal-wide project, has procured the necessary

[8] Félicien Kabuga, Protais Mpiranya, Augustin Bizimana.

equipment and engaged staff to work on the inventory, sorting, inspection, identification, organization and storage of the archives of the Prosecutor.[9]

57. The Prosecutor will be hosting the fifth Colloquium of Prosecutors of International Criminal Tribunals in November 2009 in Kigali on the legacy of the ad hoc tribunals and the future of international criminal law. This follows up on the conference with national prosecuting authorities held in November 2008.

58. Efforts by the Office of the Prosecutor at seeking referral of cases to Rwanda and other countries continue as an essential element of the Tribunal's Completion Strategy. However, lack of will, capacity or jurisdiction is a major stumbling block in this regard in many Member States.

59. Discussions are ongoing between the Office of the Prosecutor, the Government of Rwanda and potential donors to ensure that the country satisfies the requirements for referral of cases to that jurisdiction. The critical issue of witness security is being addressed through the establishment of a witness protection service within the Rwandan judiciary. The Prosecutor plans to make fresh applications in early 2010 for referral of cases to Rwanda. Discussions are also under way with other Member States to take some of the cases on referral.

E. Cooperation between States and the Tribunal

60. Efficient cooperation between Member States and the Tribunal remains a key element of the Tribunal's work. This relates in particular to ensuring the arrests of the remaining fugitives, possible referral of cases to national jurisdictions, the transfer of convicts for the enforcement of their sentence and the relocation of acquitted persons and persons who have served their sentence.

61. The Tribunal commends the authorities of the Democratic Republic of the Congo and Uganda for their efficient cooperation in the arrest and transfer to the Tribunal of Grégoire Ndahimana and Idelphonse Nizeyimana. As set out above, 11 fugitives remain at large, among them three of the four high-rank indictees.

62. In May 2009, the President of the Tribunal signed decisions for the transfer of nine convicts to Benin for the enforcement of their sentences.

63. The Office of the Registrar continues in its efforts to find host countries for relocation of the two acquitted persons who currently remain under the protection of the Tribunal in Arusha.

F. Outreach, capacity-building and legacy matters

64. The Tribunal has continued to improve awareness of its work, challenges and achievements through its outreach programme, with the financial support of the European Commission. During the reporting period, in cooperation with the Government of Rwanda, the Tribunal inaugurated seven more information and documentation centres across Rwanda in close proximity to local courts, in addition to the three already mentioned in the previous report. The centres work closely with

[9] See paragraph 72 below.

local authorities and communities under the supervision and guidance of the External Relations and Strategic Planning Section Office of the Tribunal in Kigali.

65. In addition to ongoing assistance for Rwandan journalists, the outreach programme has also produced documentaries in French, English and Kinyarwanda about some of the cases that have already been completed.

66. During this reporting period, the External Relations and Strategic Planning Section team in Kigali visited 37 secondary schools in nine Rwandan districts to continue the awareness-raising programmes. A three-day pilot project workshop was held in October 2009 for secondary school students and teachers from two districts in northern Rwanda. The workshop led to the formation of a genocide awareness-raising network. If additional funds can be made available in 2010, the same programmes could be conducted throughout Rwanda in order to strengthen membership in the established network and ensure a wider representation. The involvement, interest and support of local authorities have been very encouraging so far. Additionally, the Section hopes that a youth sensitization project in the Great Lakes Region will also soon be implemented, as the Government of Germany has already granted a non-refundable voluntary contribution of up to $240,400 in support of this project.

67. The Tribunal has also continued its training work for Rwandan judges, prosecutors, Defence counsel and court staff, including training sessions in international criminal law, adversarial criminal procedures and court administration and information management.

68. The Tribunal library has contributed to strengthening the judicial and academic sectors in Rwanda through training sessions in online legal research methods and library/information management. In June 2009, 100 members of the Rwanda Bar Association were successfully trained in Kigali. Between August and October 2009, the External Relations and Strategic Planning Section team in Kigali embarked on the continuation of the online legal research training programme at the 10 provincial centres for 500 participants, including judges, prosecution lawyers, law students and library students. The demand for future training remains high. Member States are strongly encouraged to consider contributions.

69. The Tribunal library is also currently distributing new CD-ROMs and DVDs, which contain all basic documents and case law of the Tribunal for the periods of 2007 to 2008 and 1995 to 2008, respectively. These materials are distributed in Rwanda free of charge, starting with the 10 new information and documentation centres, the Rwandan judiciary, non-governmental organizations, public libraries in all universities, local and foreign visitors and researchers from around the world. The online version of this database is continuously being updated.

G. Residual issues

70. The Tribunal welcomes the report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the archives of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and the seat of the residual mechanism(s) for the Tribunals of 21 May 2009 (S/2009/258). It appreciates the broad range of possibilities provided to contribute to the drafting process, following

discussions in the Security Council Informal Working Group on the International Tribunals. The report constitutes a valuable basis for the forthcoming decisions of the Security Council on the residual mechanisms to be established.

71. The Tribunal has commenced its work on the recommendations contained in the last paragraph of the report of the Secretary-General, concerning preparatory work in the Tribunals for the transitional period. The Legacy Committee of the Tribunal, including representatives of the three organs of the Tribunal, coordinates this work, which is ongoing in all sections of the Tribunal.

- As set out above,[10] efforts continue to enable referrals to national jurisdictions for the trials of eight of the remaining 11 fugitives.
- A legal team has started compiling and reviewing witness protection orders and decisions issued by the Tribunal since its inception. The Rules Committee of the Tribunal, assisted by the Registry, has commenced discussions on possible ways of reviewing witness protection orders and decisions, and a possible amendment of the current rule allowing confidential disclosure of protected information to States.
- The review of all agreements of the Tribunal with States and other international bodies and contracts with private entities has started with the view to determining their fate after the closure of the Tribunal.
- Ten information centres have been opened throughout Rwanda in 2009 to facilitate public access to documents of the Tribunal.[11]

72. Implementation activities concerning the recommendations on archives and record management are also under way. These activities will ensure timely compliance with the recommendations.

- All documents that relate to the official jurisprudence of the Tribunal have been designated for permanent retention. They have been digitized and the electronic records have been captured within a compliant electronic records-keeping system. A project to inventory and arrange the original judicial records is under way, and the arrangement of all open-session transcripts (an estimated 15,000 documents comprising 750,000 pages) has been completed. By the end of the Tribunal's mandate, it is estimated that there will be over 86,000 judicial records, comprising over 2 million pages. Sufficient resources have been allocated to complete the arrangement, re-housing and verification of all judicial records prior to the end of 2010. A project to digitize the audio-visual recordings of the Tribunal's proceedings is under way, with 5,000 hours of audio material digitized to date. All 45,000 hours of audio-visual material will have been digitized and redacted by June 2011. The digitization projects are designed to enhance the accessibility of non-confidential Tribunal records. The Tribunal has been working with the United Nations Archives and Records Management Section and the International Tribunal for the Former Yugoslavia towards the development of an access regime for the records of the Tribunal in the post-closure phase.

[10] Paragraphs 58 to 59.

[11] See paragraph 64 above.

- United Nations-approved retention policies are being applied to the administrative and other substantive records of the Tribunal for which clear policy guidelines exist. To date, no administrative records of temporary value have been disposed of. In addition, the Tribunal has been working in close cooperation with the International Tribunal for the Former Yugoslavia, under the lead of the Archives and Records Management Section, towards the development of a common policy of retention and preservation for all records of the Tribunals. The first step will be a business analysis, which is expected to be completed by the end of 2009.

- All evidence of the Office of the Prosecutor has been designated for permanent retention and is well maintained. A project is under way to inventory and arrange the other substantive records of the Office, including investigators' files, and to digitize any records of permanent value. Once the common retention policy for the records of the Tribunals has been developed, it will be applied to all records of the Office.

- The goal of preparing all digital records for future migration into the record-keeping systems of the institution that is designated to receive them is anticipated to be attained by the end of 2010.

- The provenance of the duplicate records currently housed in the judicial records repository is being investigated to ensure that a clear audit trail is maintained prior to the authorization for disposition of any material.

- Electronic versions of all archival paper-based judicial records maintained by the Registry are currently stored within the Total Records Information Management database and the methodology for entering digital audio-visual records has been developed. These records will be entered as they are generated. A project to enter long-term to permanent administrative records is under way, with approximately 10,000 records entered to date. The database is widely used throughout the United Nations system, including in the Archives and Records Management Section. It is anticipated that any future migration from the database will be a standardized procedure. The inventory and migration strategy will be developed and implemented by the end of 2010.

- Electronic versions of all evidence maintained by the Office of the Prosecutor have been generated and investigations into the feasibility of the future migration of this material into a compliant record-keeping system have yielded promising results. It is anticipated that the migration to any record-keeping system approved by the United Nations Archives and Records Management Section will be a straightforward process.

- The development of an information security strategy that includes the appropriate (de)classification of all records and archives has not yet been initiated. However, the Tribunal has informally consulted with counterparts at the International Tribunal for the Former Yugoslavia, who are in the process of developing a pilot (de)classification project. It is expected that the results of this project will assist in the identification of required resources and the development of a strategy to attain this goal.

Conclusion and updated prognosis regarding the implementation of the Completion Strategy

73. Intense trial activity has continued at the Tribunal during the reporting period and will continue during the first half of 2010. After mid-2010, the focus at the trial level will be on judgement drafting in all currently pending cases as well as on the trial proceedings for the two recently arrested indictees and evidence preservation hearings for remaining high-rank accused fugitives.

74. The forecasts of the previous Completion Strategy report have been exceeded with regard to judgement delivery in the reporting period. Four single-accused judgements have been delivered (*Kalimanzira, Nshogoza, Renzaho* and the sentencing judgement on the *Bagaragaza* guilty plea) and at least two judgements in single-accused cases, including one retrial, are expected before the end of 2009 (*Nsengimana, Muvunyi*), with the judgement in *Setako* to follow shortly thereafter.

75. The Tribunal remains strongly committed to completing the large majority of the trial work within its now-extended mandate, i.e., the end of 2010, but spillovers into 2011 are to be expected in three of the ongoing cases and in the two new cases.

76. All multi-accused trials, with the exception of *Karemera et al.*, continue in the judgement drafting phase. Judgement delivery is now expected between end of September and December 2010 for the *Bizimungu et al*, "*Butare*" and "*Military II*" trials, involving in total 14 accused. This delay, compared with projections in the previous report, is caused by parallel assignments to other cases of all judges and legal staff involved. The poor health of one accused in the *Karemera et al.* trial requires that current evidence be heard, for the time being, with additional breaks and in half-day sessions only. This is indispensable for ensuring a fair trial but inevitably delays its completion. Therefore, judgement delivery in this trial is not to be expected before the first half of 2011.

77. Concerning single-accused cases, the Tribunal mastered the challenging task of commencing 10 new trials in the course of 2009. In two of these cases (*Nshogoza* and *Bagaragaza*), judgements have already been delivered, with the judgement in the *Muvunyi* retrial to be delivered shortly, subject to the decision of the Appeals Chamber regarding the motion for a judgement of acquittal. The evidence phase in two more cases has been completed. In five other cases, the evidence phase will spill over into the first half of 2010 for a variety of reasons that made adjournments necessary, in particular the requirement to provide the Defence with adequate time for preparation so as to ensure a fair trial. Scheduling also had to take into account the parallel assignments of all judges in more than one case at a time, and the necessary time for complex deliberations in the ongoing judgement drafting for the multi-accused cases. This also is the reason for an expected spillover into 2011 of the judgement drafting in two single-accused cases, *Ngirabatware* and *Nzabonimana*. Priority needs to be given here to the judgement drafting in the "*Butare*" case, in which judges of these cases are involved.

78. Additional staff joined Chambers and the Office of the Prosecutor during the reporting period on short-term and temporary contracts. The continuous difficulty in providing longer term contract security, however, leads to an ongoing high staff turnover, with negative implications for the support of trials and delays in the judgement drafting processes. Offering contracts in line with the trial schedules into

the new budget cycle within the next month will hopefully help to alleviate the situation.

79. Preparations at the Tribunal for the transition to the residual mechanism(s) are under way, and all organs are working on the implementation of the recommendations set out for the transitional period in the report of the Secretary-General.

80. The Tribunal is making every effort to complete its mandate as soon as possible. The high output in judgements and the large number of newly commenced trials in 2009 is clear proof of this fact. The efforts include the intensified tracking of the remaining 11 fugitives, but also continued work with national jurisdictions, which could accept referred cases from the Tribunal in the near future. The arrest of fugitives and the referral of cases are interlinked and essential elements of the Completion Strategy. The Tribunal depends on the willingness and resources of the international community to achieve the goals of this Strategy.

Annex 1 (A)

Trial judgements delivered as of 9 November 2009: 48 accused in 39 judgements

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Judgement*
1	J.-P. Akayesu	*Bourgmestre* of Taba	30 May 1996	TC1	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	TC1	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, Interahamwe leader	14 December 1998	TC1	5 February 1999 (guilty plea)
4	C. Kayishema	Prefect of Kibuye	31 May 1996	TC2	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, 2nd Vice-president of Interahamwe	30 May 1996	TC1	6 December 1999
6	A. Musema	Businessman	18 November 1997	TC1	27 January 2000
7	G. Ruggiu	Journalist, Radio-Télévision Libre des Milles Collines	24 October 1997	TC1	1 June 2000 (guilty plea)
8	I. Bagilishema	*Bourgmestre* of Mabanza	1 April 1999	TC1	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	TC1	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	*Bourgmestre* of Bicumbi	16 February 1998	TC3	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	TC1	15 May 2003
12	J. Kajelijeli	*Bourgmestre* of Mukingo	19 April 1999	TC2	1 December 2003
13	F. Nahimana	Radio-Télévision Libre des Milles Collines Director	19 February 1997	TC1	"*Media* case" (joinder) 3 December 2003
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	TC2	22 January 2004
15	A. Ntagerura	Minister of Transport	20 February 1997	TC3	"*Cyangugu* case" (joinder) 25 February 2004
	E. Bagambiki	Prefect of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant, Forces armées rwandais	27 November 1997		

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Judgement*
16	S. Gacumbitsi	*Bourgmestre* of Rusumo	20 June 2001	TC3	17 June 2004
17	E. Ndindabahizi	Minister of Finance	19 October 2001	TC1	15 July 2004
18	V. Rutaganira	Councillor of Mubuga	26 March 2002	TC3	14 March 2005 (guilty plea)
19	M. Muhimana	Councillor of Gishyita	24 November 1999	TC3	28 April 2005
20	A. Simba	Lieutenant-Colonel, Forces armées rwandais	18 March 2002	TC1	13 December 2005
21	P. Bisengimana	*Bourgmestre* of Gikoro	18 March 2002	TC2	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, Radio-Télévision Libre des Milles Collines	30 September 2005	TC1	12 June 2006 (guilty plea)
23	J. Mpambara	*Bourgmestre* of Rukara	8 August 2001	TC1	12 September 2006
24	T. Muvunyi	Commander, École des sous-officiers	8 November 2000	TC2	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	TC3	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	TC3	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	TC2	23 February 2007 (guilty plea)
28	J. Rugambarara	*Bourgmestre* of Bicumbi	15 August 2003	TC2	16 November 2007 (guilty plea)
29	GAA	Witness before Tribunal proceedings	10 August 2007	TC3	4 December 2007 (contempt of Tribunal)
30	F. Karera	Prefect of Kigali	26 October 2001	TC1	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	TC3	24 September 2008
32	S. Bikindi	Musician	4 April 2002	TC3	2 December 2008
33	P. Zigiranyirazo	Businessman	10 October 2001	TC3	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	TC1	"*Military I* case" (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General, Forces armées rwandais	17 February 1998		
	A. Ntabakuze	Battalion Commander, Forces armées rwandais	24 October 1997		
	A. Nsengiyumva	Lieutenant-Colonel, Forces armées rwandais	19 February 1997		

Case No	*Name*	*Former title*	*Initial appearance*	*TC*	*Judgement*
35	E. Rukundo	Chaplain	26 September 2001	TC2	27 February 2009
36	C. Kalimanzira	*Directeur de Cabinet*, Ministry of the Interior	14 November 2005	TC3	22 June 2009
37	L. Nshogoza	Former Defence investigator (contempt of court case)	11 February 2008	TC3	2 July 2009
38	T. Renzaho	Prefect of Kigali-Ville	21 November 2002	TC1	14 July 2009
39	M. Bagaragaza	Director General of government office controlling the tea industry	16 August 2005	TC3	5 November 2009 (guilty plea)

Annex 1 (B)

Cases where judgement delivery is awaited: 17 accused in 6 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	TC1	Started on 22 June 2007. Evidence completed in September 2008. Closing arguments in February 2009. Judgement on 17 November 2009.
41	C. Bizimungu	Minister of Health	3 September 1999	TC2	"*Bizimungu et al.* case" (joinder). Started on 5 November 2003. Evidence completed in June 2008. Closing arguments in December 2008. Judgement expected end-2010.
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
42	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	TC2	"*Butare* case" (joinder). Started on 12 June 2001. Evidence completed in February 2009. Closing arguments in April 2009. Judgement expected September 2010.
	A. S. Ntahobali	Interahamwe leader	17 October 1997		
	S. Nsabimana	Prefect of Butare	24 October 1997		
	A. Nteziryayo	Prefect of Butare	17 August 1998		
	J. Kanyabashi	*Bourgmestre* of Ngoma	29 November 1996		
	E. Ndayambaje	*Bourgmestre* of Muganza	29 November 1996		
43	A. Ndindilyimana	Chief of Staff of Gendarmerie	27 April 2000	TC2	"*Military II* case" (joinder). Started on 20 September 2004. Completion in February 2009. Closing arguments in June 2009. Judgement expected September 2010.
	F.-X. Nzuwonemeye	Battalion Commander, Forces armées rwandais	25 May 2000		
	I. Saguhutu	2IC of Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff, Forces armées rwandais	21 August 2002		

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
44	T. Muvunyi	Interim Commander, École des sous-officiers Camp (retrial)	8 November 2000	TC3	Retrial following Appeals Chamber Judgement of 28 August 2008. Started June 2009. Completion in August 2009. Closing arguments in October 2009. Judgement expected end-2009.
45	E. Setako	Lieutenant-Colonel	22 November 2004	TC1	Started 25 August 2008. Completion in June 2009. Closing arguments in November 2009. Judgement expected early 2010.

Annex 1 (C)

Cases where trial is closed but closing arguments are yet to be heard: 2 accused in 2 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
46	Y. Munyakazi	Interahamwe leader	12 May 2004	TC1	Started 20 April 2009. Completion in September 2009. Judgement expected May 2010.
47	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	TC2	Started 16 March 2009. Completion in October 2009. Judgement expected May 2010.

Annex 1 (D)

Ongoing trials: 8 accused in 6 cases

Case No.	*Name*	*Former title*	*Initial appearance*	*TC*	*Comments*
48	E. Karemera	Minister of Interior, Vice-President of the Mouvement républicain national pour le développement et la démocratie (MRND)	7 April 1999		"*Karemera et al.* case" (joinder). Started on 27 November 2003.
	M. Ngirumpatse	Director-General, Ministry of Foreign Affairs, President of MRND	7 April 1999	TC3	Started *de novo* on 19 September 2005. Completion expected in 2010. Judgement expected first half of 2011.
	J. Nzirorera	President of National Assembly, Secretary General of MRND	7 April 1999		
49	G. Kanyarukiga	Businessman	22 July 2004	TC2	Started on 1 June 2009. Completion expected in February 2010. Judgement expected in July 2010.
50	A. Ngirabatware	Minister in the interim Government	10 October 2008; further initial appearance on 9 February 2009.	TC2	Started on 31 August 2009. Completion expected in July 2010. Judgement expected early 2011.
51	D. Ntawukulilyayo	*Sous-préfet* of Butare *préfecture*	10 June 2008	TC3	Started on 4 May 2009. Completion expected in November 2009. Judgement expected in September 2010.
52	J.-B. Gatete	*Bourgmestre* of Murambi	20 September 2002	TC3	Started on 20 October 2009. Completion expected in March 2010. Judgement expected end-2010.
53	C. Nzabonimana	Minister of Youth in the interim Government	20 February 2008	TC3	Started on 9 November 2009. Completion expected in May 2010. Judgement expected early 2011.

Annex 2

Awaiting trial: 2 accused whose cases will commence in 2010

Name	*Former title*	*Initial appearance*	*TC*
G. Ndahimana	*Bourgmestre* of Kivumu	28 September 2009	Tbd
I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009	Tbd

Annex 3

11 fugitives

Augustin Bizimana

Félicien Kabuga

Fulgence Kayishema

Protais Mpiranya

Bernard Munyagishari

Aloys Ndimbati

Ladislas Ntaganzwa

Charles Ryandikayo

Charles Sikubwabo

Jean-Bosco Uwinkindi

Phénéas Munyarugarama